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MARY QUEEN OF SCOTS

AND HER

MARRIAGE WITH BOTHWELL.

SEVEN LETTERS TO "THE TABLET,"

REVISED, WITH A PREFACE & NOTES,

AND A SUPPLEMENT.

BY

THE HON. COLIN LINDSAY.

Magna est veritas et prævalebit.

LONDON:
BURNS & OATES.

EDINBURGH:
WILLIAM PATERSON.

1883.

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PREFACE.

THE Rev. Father Stevenson has sent me, I am most happy to say, the following most ample retractation of the allegations made in the Preface to his late work, *The History of Mary Stewart*, by Claude Nau, and which has been published in *The Month* for November, 1883, p. 448 :—

"MARY QUEEN OF SCOTS AND HER MARRIAGE WITH BOTHWELL.

"In my Preface to *The History of Mary Stewart*, by "Claude Nau, occur two passages which I regret that I "have written, and which I now desire to retract. I have "there said that 'Mary seems to have thought that the "necessities of her condition compelled her to accept the "terms offered by her council, while she knew that any "so-called marriage with Bothwell would be illegal, invalid, "and immoral' (p. clv.), and in a note I added, 'I am "unable to explain, still less to vindicate, all the circum-"stances connected with Mary's union with Bothwell, whom "she knew to be a married man when she took him for her "husband.'

"This assertion of mine has been examined, with great "learning and acuteness, by the Hon. Colin Lindsay, in "seven letters addressed to the *Tablet*, and which have just "appeared in a separate pamphlet. I admit, willingly and "gladly, that Mr. Lindsay has in these letters adduced facts "and arguments which compel me to retract the statement

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" which I had previously made. This public recognition of " my error is due to Mr. Lindsay, together with my thanks " for the courtesy everywhere conspicuous in his letters.

" JOSEPH STEVENSON."

I am sure that all Catholics in Europe and in the Far West, but especially those in Scotland, as well as every good woman in Christendom, will from their hearts rejoice that one of the most formidable opponents of Queen Mary, after a long and careful reconsideration of her whole case, has now admitted to the full the groundlessness of all the charges that have been alleged against her moral character, and especially in regard to her relationship with the infamous Bothwell. I say *formidable*, (1) because Father Stevenson had been employed by the British Government to seek out and copy such documents as he might find in the secret archives of the Vatican, referring primarily to the period of King Henry VIII.; (2) because, during his investigations at Rome, he discovered " several documents of great value " concerning Queen Mary, of which he has given translations, now published for the first time in his late valuable work; and (3) because he has on his own account brought to light from among the Cottonian MSS. various papers of transcendant interest, chief among which is the manuscript of Claude Nau, which he after great labour (for hitherto it had been regarded as utterly unintelligible) deciphered, and rendered into our language. I mention these facts to show that Father Stevenson is an antiquarian of profound erudition, and on this account a most formidable foe to any cause against which he might have cogent reasons for opposition.

Father Stevenson is, too, a just and charitable man,—a

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Catholic, a Priest, and a Scotchman,—who would most unwillingly assert any evil against the Queen, except from the most conscientious motives, and from an overwhelming conviction of the credibility of the evidence he believed he had found in the records and traditions connected with Scotland, and which he regarded as conclusive in their testimony against her Majesty. I feel certain that when he wrote the words he has now retracted, he did so with great pain and with evident reluctance. Indeed, under the belief of the Queen's misconduct, he endeavoured to show that there were extenuating circumstances, which, though they could not exempt her from the verdict of "guilty," nor even from that of "non-proven," yet would excite in the breasts of an indulgent public a unanimous commiseration for her, on the ground that her supposed crime was the result of the terrible outrage said to have been inflicted upon her (but which has never been conclusively proved to have been the case) by Bothwell while at Dunbar Castle.

But now Father Stevenson has seen his way to retract, to the full, every word he has written against the moral character of the Queen. He says, in regard to the passages he quotes from his Preface to *The History of Mary Stewart*, by Claude Nau, that he "regrets that he had written" them; and that "he admits, willingly and gladly," that in the Letters lately published in *The Tablet* on this subject, there have been "adduced facts and arguments which *compel* (the italics are mine) him to retract the statement which he had previously made." This retractation, then, thank God, is thorough and complete, and Queen Mary is now proved by the strongest evidence, and by testimony which none of her bitterest enemies can gainsay, to have been through

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her whole life a good and virtuous woman, whose purity of conduct had never been blemished by any act and deed of her own.

Queen Mary has had in late years many friends who strove to vindicate her character; the most conspicuous of them are, in France, M. Petit, whose valuable work has been translated into English by M. de Flandre; in Scotland, Miss Strickland, whose charming life of our Queen has won the hearts of many to her cause; then followed the volumes of Mr. Hosack, who, as an acute lawyer, scattered to the winds all the foul charges, without exception, against her Majesty; and about the same time, in America, there appeared an excellent treatise by Col. Maline (very lately brought into this country), who has criticised with admirable success the allegations of Mr. Froude, proving at the same time the innocence of the Queen. These four great writers had, up to their time, carried and destroyed every stronghold of the enemy against the illustrious victim of the "Reformation" era.

But after these valuable works had been published, it fell to the lot of Dr. Stuart, of the General Register House in Edinburgh, and Secretary of the Society of Antiquaries of Scotland, to discover the long-lost Dispensation, which had been granted by the Primate of Scotland and Legate of the Holy See, in favour of the marriage between Bothwell and his first wife, Lady Jean Gordon. It had been supposed that no such dispensation had ever been granted, and upon this ground it was believed that this marriage had been nullified, the parties being within the prohibited degrees of consanguinity. Queen Mary's relationship with Bothwell was by this discovery completely changed; for if the Dis-

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pensation was a genuine one, and had been acted upon, it followed that Bothwell and Jean Gordon having been both legally and validly married (in which case their marriage was indissoluble), her marriage with this man was *ab initio* null and void. The whole aspect of the case was entirely altered, and all the charges against the morality of the Queen were re-opened.

Dr. Stuart, who had been aforetime, as I had been informed, an ardent admirer of this Queen, arrived at the reluctant conclusion that she had married Bothwell, knowing at the time that he was validly married to his first wife, then still living. For she herself had promoted this alliance; she had presided over the festivities, and could not have been ignorant, as was alleged, that a Dispensation had been asked for and obtained. Such, apparently, was the position of the Queen on this discovery. Mr. Hosack, though evidently puzzled, did not desert her cause. He stood nobly at the breech, and raised the question—fatal, I think, to her enemies—that the Dispensation, if it had been really obtained, had effectually been concealed from the Queen, and from the Tribunal of the Primate and Legate, who declared that no Dispensation had been obtained before the marriage of Bothwell and Jean Gordon took place. The Queen's character was saved, notwithstanding her marriage with Bothwell was rendered illegal and invalid.

But the question remained to be considered, viz., had the Dispensation any operative effect? After a careful examination of this Dispensation and of all the circumstances surrounding it, it was found (1) that its terms had not been complied with; (2) that it had been surreptitiously obtained; and (3) that it had never been acted upon, and consequently

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that it had no effect in making Bothwell and Jean Gordon's marriage good in canon and statute law. The Dispensation, by the conduct of the parties concerned, became of no more value than the parchment upon which it was engrossed.

Queen Mary, then, has triumphed all along the line, and there remains not a single point in her moral character open to attack. Our thanks are due to Almighty God, who has befriended our Queen, and rescued her reputation from the malice of her ancient foes; and our gratitude is also due to Father Stevenson, for his magnificent retractation and reparation, for by this noble act he has done more than all others put together, who have written in her defence, to establish the full integrity of Queen Mary's honour and virtue in the estimation of Scotland, England, and the World.

Brighton,

All Saints' Day, 1883.

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MARY QUEEN OF SCOTS,

AND HER

MARRIAGE WITH BOTHWELL.

LETTER I.

THERE are two passages in the Rev. Father Stevenson's recent work, entitled, *The History of Mary Stewart*, by Claude Nau, upon which I desire to make a few observations. He says, in his "Historical Preface," "Mary seems to have thought that the necessities of her condition compelled her to accept the terms offered by her council, while she knew that any so-called marriage with Bothwell would be illegal, invalid, and immoral"; and in a note he adds, "I am unable to explain, still less to vindicate, all the circumstances connected with Mary's union with Bothwell, whom she knew to be a married man when she took him for her husband."* I most respectfully, and with all deference, join issue with the Rev. Father in his assertion, that Mary "*knew*" that her proposed marriage with Bothwell would be "illegal, invalid, and immoral," or that she "*knew*" that he was, at the time of her marriage with him, "a married man," his lawful wife being still alive. As a Scotchman, to say nothing of my being a Catholic, I could not help feeling deeply wounded on perusing these passages, for if the statements therein are true, Mary would be convicted as an abandoned woman, an adulteress, and, more-

* P. clv.

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over, a bigamist, or at least an accessory to that crime; and all hope of vindicating her honour and purity of life would be utterly futile. No doubt she believed that, before the marriage of Bothwell and Lady Jean Gordon took place, the laws and customs of the Catholic Church had been complied with, otherwise she would not have been present at the ceremony. The following incident shows that this was evidently the case:—After the death of her husband, the Lords of the Council three times proposed to the Queen that she should marry Bothwell, on the ground that he was the fittest man to govern Scotland. Twice she refused because she believed that he was a married man, and that was a conclusive reason against her accepting their proposals.*

2. What then induced the Queen to conclude that she had made a mistake, and that in point of fact this marriage was found to be invalid? It was the assertion of the Lords of the Council on the third occasion when they repeated their proposals, that the former marriage of Bothwell and Jean Gordon "had ceased to be an impediment, for he [Bothwell] was either already divorced, or sentence was on the eve of being pronounced."† The Queen, on hearing this, and being pressed by her Council, for the first time entertained their proposal,—being led to suppose that no dispensation had actually been granted to legalise the marriage of Bothwell and Jean Gordon, who were within the prohibited degrees of consanguinity, and that consequently it was null and void. The following considerations will cumulatively prove that the Queen could come to no other conclusion than that this was the case.

* See *Hist. Pref.*, pp. cliii.-clv. † Ib. clv.

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First, as I have observed, the Lords of the Council informed the Queen that sentence of divorce had been, or was about to be, pronounced; and when they said this they meant not only by the Protestant Consistorial Court, but also by the Catholic tribunal of the Primate of Scotland.* Secondly, the Primate of Scotland, acting as the Legate of the Pope, did, as a matter of fact, annul the marriage of Bothwell and Jean Gordon on the ground of consanguinity, which he could not possibly have done if a dispensation had been previously obtained.† Thirdly, it is a fact that the Primate subsequently promoted, or at least encouraged, the proposed marriage of the Queen with Bothwell, and sanctioned it by his presence at the ceremony.‡ Fourthly, some of the leading nobles, inclusive of eight Catholic Bishops, recommended her Majesty to accept Bothwell as "the fittest husband" she could obtain among her subjects, among whom were her staunch friends Lords Boyd, Herries, and Seton.§ Fifthly, no less than three Catholic Bishops were present at the marriage, viz., the Primate, who was the Legate, and the Bishops of Dunblane and Ross. And lastly, among the laity were the Earl of Crawford, Lords Oliphant, Fleming, and Boyd, warm adherents of the Queen, some of whom subsequently represented her at York and Westminster.‖ These nobles were loyal and honourable men, and would certainly have been no party in assisting at a ceremony that would have the effect of making their beloved Sovereign, not the wife, but the mistress, of Bothwell. These facts prove that Mary was justified in

* Hosack's *Mary Queen of Scots and her Accusers*, vol. i., p. 176. 2nd Edit.

† Ib., p. 322. ‡ Ib., pp. 321, 328. § Ib., p. 302. Fr. Stevenson's Hist. Pref., p. cliv., note. ‖ Hosack. Ib., p. 328.

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believing that no dispensation had been granted in favour of Bothwell and Jean Gordon, and that consequently their marriage was null and void. And again, that in accepting Bothwell she was breaking no law of the Church: and, further, that her own marriage with Bothwell, however distasteful to her, was legal and valid. She had the sanction of the Church on her side, as represented by the Primate and Legate, and the seven other Prelates referred to above, which was a sufficient guarantee to her of Bothwell's freedom from all matrimonial engagements. For how was it possible for her to conceive the idea that these Bishops would prostitute their offices and conspire with her enemies in aiding her to commit so flagrant a crime as to marry a man who was lawfully married to another woman still living?

3. That there was a dispensation, or a document purporting to be one, seems to have been the case, for Dr. Stuart, of the Register House, Edinburgh, discovered it a few years ago in Dunrobin Castle, the seat of the then Earl of Sutherland.* How was it then that it was not produced in the Court of the Primate of Scotland when application was made for the nullification of Bothwell and Jean Gordon's first marriage? This, I think, may be accounted for. First, it was the object of the lay Lords of the Council to oblige the Queen to marry Bothwell, not for the reason they gave, but to ruin her character in the estimation of her people. Many of the Lords, with Murray at their head, had conspired and effected the murder of Darnley, and they intended to transfer the guilt from themselves to the Queen, whom they falsely accused of this diabolical crime. If they ever knew of this dispensation they concealed the

* Ib., vol. ii., p. v.

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knowledge of it from the Queen. Secondly, Jean Gordon desired to get rid of a most profligate husband, and so she had an interest in concealing it; and she, after her marriage was nullified, wedded the Earl of Sutherland,* and the Dispensation for her former marriage was buried in the archives of the family in Dunrobin Castle. Thirdly, Bothwell was ambitious to be the King of Scotland by marrying the widowed Queen, so that he had the greatest interest of all in agreeing to its concealment. There was a general conspiracy to prevent the Queen from knowing anything about the existence of this Dispensation, otherwise the Lords of the Council and Bothwell would never have effected their infamous purposes.

Assuming that this Dispensation is not a forgery, how was it that the Primate of Scotland, who was also the Legate of the Pope, and the Bishops of Ross and Dunblane, and others, were deceived? This is a question difficult to answer, for the Primate had himself, as Legate, so it has been said, granted the Dispensation, and, considering the peculiar circumstances of the case, he could not have forgotten it. And then it is hardly possible to conceive that the two other named prelates, who were friends of the Queen, and good Catholics, would not have satisfied themselves beforehand that there existed no canonical and legal impediment against her espousing Bothwell. This throws great doubt with regard to the genuineness of the Dispensation, for it cannot be supposed that the Primate and Legate, and the other Bishops would unite with others in so diabolical an act as to

* According to Dr. Stuart (whose work I had not as yet seen), Jean Gordon did not marry the Earl of Sutherland till after the death of Bothwell. (Dr. Stuart's *Lost Chapter*, pp. 24, 52.)

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sanction by their presence a marriage which they knew to be illegal, invalid and immoral, thus outraging the laws of the Church, degrading the position of the Pope (for it is he who really dispenses by means of those whom he appoints as his Legates), and aiding and abetting a Catholic to commit a flagrant breach of the moral law.*

* Some stress has been laid on the Bishops and Clergy of Scotland being "immoral and unscrupulous;" and hence the inference that, although the Primate knew that Bothwell and Jean Gordon had been validly and legally married, yet for reasons of State he might have encouraged the marriage of the Queen with Bothwell, and had been present at its solemnization. Suppose this was the case, how could it effect the position of the Queen? In order to make that objection good, it must be proved that the Queen herself was aware of the "unscrupulous" character of the Primate. Considering that she had been deceived by nearly all her officers of State, that she knew not until some time subsequently that her chief Minister of State was one of the murderers of her husband, it is more than probable that she was ignorant of the presumed fact that the Primate and others were unscrupulous men. The Queen's position, then, was intelligible; she was led to believe by both the Ecclesiastical and Temporal authorities that Bothwell was free to marry any one, and consequently in marrying him (if she did so), she was ignorant of committing any act that would be construed as "invalid, illegal and immoral." And besides, however unscrupulous ecclesiastics of high rank may be in secular affairs, I doubt (writing under correction) whether any instance can be proved of their ever having compromised their sacerdotal offices. I am well aware that great laxity prevailed, else the Reformation would have been impossible; but in justice to Archbishop Hamilton, I quote the following passage from Mackensie, who says in his "Lives of Scotch Writers," that "he was a man of great moderation, and much against violent measures. His Catechism is written with such learning, moderation, and judgment, that it will be always esteemed by the learned of his own communion. It is evident that the prelate was a wise, learned, and devout churchman; a loyal, active, and faithful subject; and the death which he suffered is

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Be this as it may, the Queen cannot be charged with any *guilty* knowledge of marrying a man who was a married man, his wife still living. It is evident that she was entirely ignorant of the existence of the Dispensation, or of any impediment to her marriage with Bothwell, and having the sanction of no less than eight Catholic Bishops, together with some of her most faithful lay subjects, she had every assurance that, in contracting this marriage, she was innocent of any illegal, invalid, and immoral act.

LETTER II.

Since I wrote my last letter I have obtained a copy of Dr. Stuart's *Lost Chapter in the History of Mary Queen of Scots Recovered*, in which he gives the text of the Dispensation for the marriage of the Earl of Bothwell and Lady Jean Gordon, who were both related to each other within the prohibited degrees. He found it by accident among the archives of the Sutherland family in Dunrobin Castle, the seat of the present Duke and of his ancestors the Earls of Sutherland. The following are the documents, arranged chronologically, which Dr. Stuart has given in his valuable work, bearing on the subject of this letter.

an eternal reproach on the memory of those who had a hand in it." (Quoted from Walsh's "History of the Catholic Church in Scotland," Glasgow, 1874, p. 381.) Such language as this is inconsistent with the idea of his having been an unscrupulous and immoral man. It must not be forgotten that the majority of Protestant writers in the sixteenth century were utterly untrustworthy, and they were not scrupulous as regards truth. Forgery and false accusations were recognised tools freely used for defaming many of the best in the land.

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(1) The marriage contract said to have been dated 12th February, 1565 (O.S.).* (2) The Dispensation signed by the Archbishop of St. Andrews as Legate of the Holy See; dated xiij Kalends of March, that is 17th February, 1565 (O.S.).† (3) The solemnization of the marriage of Bothwell and Jean Gordon in the Church of the Canongate, Edinburgh, 24th February, 1565-6.‡ (4) The suit against Bothwell before the Consistorial Protestant Court of Scotland for a divorce, 29th April, 1567.§ (5) The sentence pronounced by the said Court, 3rd May, 1567.‖ (6) The application of Bothwell to the Court of the Archbishop of St. Andrews for the nullification of the marriage on the ground of consanguinity, 27th April, 1567.¶ (7) The sentence or decree pronounced, 7th May, 1567.** and (8) The so-called marriage of the Queen with Bothwell, 15th May, 1567.†† Such is the order of events connected with the marriage of Bothwell and Jean Gordon.

The question I desire to raise is this, whether the Dispensation was effective for the purpose for which it was granted, viz., to enable the Earl of Bothwell and Jean Gordon to marry, they being within the prohibited degrees?

After consultation with a high authority in the Catholic Church, I understand that whenever a dispensation for the marriage of persons within the prohibited degrees is granted, compliance with its terms, requirements, or conditions, is essential to give it operative effect. If a dispensation, without specifying any conditions or requirements—that is, if it

* Dr. Stuart, *Lost Chapter*, p. 94. † Ib., p. 93.
‡ Ib., p. 8, (according to Pittscottie 22nd February, Ib., p. 7).
§ Ib., p. 90. ‖ Ib., p. 91. ¶ Ib. ** Ib., p. 93.
†† Ib., p. 18.

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be an absolute dispensation, then if the parties (one being a Catholic and the other a Protestant) should contract marriage outside the communion of the Catholic Church, it would be valid, though illicit; but, on the other hand, if the Dispensation required them to solemnise their marriage in the Face of the Church, and then, instead of complying with this injunction, they married in a Protestant Church, the marriage would be invalid.

This is what I understand to be the law of the Catholic Church in the matter of dispensations, granted for removing impediments against the marriage of persons within the prohibited degrees.

The following is the text* of the Dispensation granted to

* I am indebted to a friend for the following translation of the Dispensation:

John, by Divine clemency Archbishop of St. Andrew's, Primate of the whole Kingdom of Scotland, Legate Natus, and Abbot of the Monastery of Paisley, in the Diocese of Glasgow, and Legate of the Apostolic See, with the Authority of Legate a Latere, to our beloved in Christ, the noble and puissant Lord James, Earl of Bothwell, Lord of Creichtoun, Halis and Liddlesdale, High Admiral of the aforesaid Kingdom of Scotland, in our Diocese, and Jane Gordon, Sister Germane of the noble and puissant Lord George, Earl of Huntly and Lord of Gordon, a Lady in the Diocese of Moray—health in the Lord.

The providence of the Apostolic See sometimes tempers with mercy the rigor of the law, and in its kindness, indulgently allows what the ordinances of the sacred Canons prohibit, and judges it to be expedient in the Lord, having thoroughly considered the nature of the times and persons. Inasmuch as the exposition or petition, lately presented to us on your part, set forth that you, being moved thereto by certain reasonable causes, desired mutually to be joined in matrimony, but that you could not fulfil your desire, because you were related on both sides in

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the Earl of Bothwell and Lady Jean Gordon, by which you will be able to perceive the point to which I desire to draw your attention :—

"Joannes miseratione diuina Sancti Andree Archiepiscopus totius regni Scotie Primas legatus natus monasteriique de Pasleto Glasguensis diocesis abbas ac cum potestate Legati a latere sancte sedis apostolice Legatus, Dilectis nostris in Christo nobili et potenti domino Jacobo comiti de Bothuill domino Crechtoun, Halis et Liddisdaill magnoque admirallo regni predicti Scotie, nostre diocesis, et Jonete Gordone, sorori germane nobilis et potentis domini Georgii comitis de Huntlie domini Gordone, mulieri Morauiensis diocesis, salutem in Domino. Sedis apostolice prouidentia nonnunquam juris rigorem mansuetudine temperat, et quod sacrorum canonum prohibent instituta de gratia benignitatis indulget, prout personarum et temporum qualitate pensata, id in

the fourth degree of consanguinity, and had not obtained a dispensation. Wherefore, you have humbly petitioned us, by reason of our faculty and office of Apostolic Legate, graciously committed to us, mercifully to grant the opportune favour of a dispensation. We, therefore, being favourably inclined to your supplications in this matter, notwithstanding the obstacle of your double relationship in the fourth degree as aforesaid, by virtue of the Apostolic Authority committed to us, and on which we act in this matter, grant you a dispensation in the Lord by these presents, freely to marry and to solemnise your marriage, in the face of the Church, that you may be able, lawfully and validly, to remain in it afterwards; and we decree by these presents, that the child or children born of the marriage shall be legitimate.

Given under our seal, at our Monastery of Paisley, in the year of the Incarnation of our Lord, 1565 [O.S.], the XIII. of the Kalends of March, in the 7th year of our Most Holy Lord Pope Pius IV.

JOHN SANCTIANDRAE, LEGATUS.

S. A. Forrest, Datary, &c.

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Domino expediri agnoscit. Exhibita siquidem nobis nuper pro parte vestra expositio seu petitio continebat quod vos, certis de causis rationabilibus animos vestros mouentibus, desideratis inuicem matrimonialiter copulari, sed quia in duplici quarto consanguinitatis gradibus inuicem estis attingentes, desiderium vestrum in hac parte adimplere non potestis, dispensatione apostolica desuper non obtenta. Quare supplicari fecistis nobis humiliter, ratione nostre facultatis et officii legatie apostolice nobis graciose commissi de opportune dispensationis gratia vobis misericorditer prouideri. Nos igitur vestris in hac parte supplicationibus fauorabiliter inclinati vobiscum vt predicitur duplicis quarti consanguinitatis gradibus huiusmodi non obstantibus matrimonium libere contrahere, illudque in facie ecclesie solemnizare, et in eo postmodum licite remanere possitis et valeatis, auctoritate apostolica nobis commissa et qua fungimur in hac parte, tenore presentium misericorditer in domino dispensamus, prolem seu proles exinde suscipiendum seu suscipiendas legitimam seu legitimas fore decernentes per presentes. Datum sub sigillo nostro apud monasterium nostrum de Pasleto anno incarnationis Dominice millesimo quingentesimo sexagesimo quinto xiij^a^ Kalendas Martii pontificatus sanctissimi domini nostri Pape Pii quarti anno septimo, etc.

" Joannes Sanctiandree, Legatus.

" S. A. Forrest, datarius.

" In dorso R^ta^ li^a^ 2^do^ fol. 06."*

After the description of the parties, &c., the Dispensation recites the fact that they (the Earl of Bothwell and Jean

* Dr. Stuart, pp. 93, 94.

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Gordon) are desirous of being mutually "joined in matrimony, but that they cannot fulfil their desire because of their relationship on both sides in the fourth degree of consanguinity, not having obtained a dispensation." The Dispensation then declares that the parties have humbly petitioned the Archbishop of St. Andrews, as the Legate of the Holy See, "for the opportune favour of a dispensation" that they may be permitted to solemnise their marriage. The Dispensation then proceeds to record the decree of the Archbishop, as Legate, in these words: "We, therefore, being favourably inclined to your supplication in this matter, notwithstanding the obstacle of your double relationship in the fourth degree as aforesaid, by virtue of the Apostolic Authority committed unto us, and on which we act in this matter, grant you a dispensation in the Lord by these presents, freely to marry and to solemnise your marriage in the Face of the Church;" and then the Dispensation concludes by declaring legitimate the children that may be born of their marriage.

This, then, is not an absolute Dispensation, because it contains one condition, submission to which, I submit, is essential to the validity of the marriage, viz., that the solemnization should take place "in the Face of the Church;" and if it should turn out that Bothwell and Jean Gordon did not contract their marriage "in the Face of the Church"—that is, in a public Church according to the rites and ceremonies of the Catholic Church, it is, as I am informed, null and void. The questions then arise, Where was the marriage solemnised, and by whom?

It was the earnest desire of Queen Mary that Bothwell and Jean Gordon should celebrate their marriage in the

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chapel at Holyrood Palace, "at the Mass;"* but Bothwell objected, and would on no consideration be married in a Catholic Church.† Bothwell then being obstinate in this matter, the marriage took place in the church in the canongate at Edinburgh, as is thus stated in the "Kirk Session Records of that parish," "Feb. 24, 1565-6, James Erll Boduell—Jane Gordoune, sister to the Erle of Huntlie, 1, 2, 3. ma[rried] in one awen [Kirk]‡," and the ceremony was performed by Alexander Gordon, uncle of the bride, who was styled "the Bishop of Galloway."§ I suppose it had been assumed by Dr. Stuart and others, that this man was a Catholic Bishop, or if not consecrated, at least a Catholic priest, and that the ceremonies used were those of the Catholic Church. We have seen how Bothwell refused to be married in Holyrood Palace Chapel "at the Mass," is it likely that he who so hated the Church would go into some other Catholic Church and be married by a Catholic Bishop or priest? Certainly not. But this is a mistake, for this so-called Bishop of Galloway was at the time he officiated a Protestant, who had been appointed a minister by Knox, and was at the time superintendent of that province or district in Scotland, called Galloway.‖ Such are the facts

* Ib., p. 8.

† Knox *Hist. Ref.*, quoted in Miss Strickland's *Lives of the Queens of Scotland*, vol. iv., p. 259.

‡ Dr. Stuart, p. 8. § Ib., pp. 20, 92.

‖ Alexander Gordon, commonly called Bishop of Galloway, was not a Bishop in the episcopal sense of the term; and he is not recognised as ever having been a Catholic Bishop; his name is not to be found in the register as Bishop of Galloway. The last Catholic Bishop of Galloway was Andrew Durie, who died September, 1558, and after 320 years vacancy was succeeded by Dr. M'Lachlan, May, 1878. The

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of the case, that Bothwell and Jean Gordon were not married "in the Face of the Church," but in a conventicle, by Protestant ceremonies, and by a Protestant minister. If it be objected, that "the Face of the Church" meant no more than that the parties were to be married in any public church, no matter to what denomination it belonged, it cannot be sustained. The Holy See knows no other Church but one, even the One Holy Catholic, Apostolic, and Roman Church; and therefore, when it uses this term, it means no other Church than that of which the Pope is the Head and Centre.* It is clear then, I submit, that

following extracts show that he was a Protestant:—"Alexander Gordon, bishop of Galloway, was the only bishop in office at this time [A.D. 1560], who had turned Protestant" (Steph. Hist. of Church in Scot., vol. i., p. 101). At the fourth General Assembly of the Kirk, A.D. 1562, Alexander Gordon, "who had turned Protestant, petitioned to be permitted to retain his diocese, and to officiate in it as *superintendent* of the new order, which Knox had established." (Keith B. III., c. II., p. 512. Ib., p. 164.) "In A.D. 1563 Bishop Gordon was at last appointed superintendent of Galloway, and to be inaugurated, that is, ordained, by the superintendent of Glasgow and Master Knox, and in the meantime the assembly licensed him to 'admit ministers, exhorters, and readers, and to do such other things as were before accustomed in planting of kirks.'" (Keith B. III., c. III., p. 516–19. Ib. 168.) In A.D. 1574, Gordon was still superintendent of Galloway (Ib., p. 248). There is no doubt, then, that Alexander Gordon was a Protestant minister at the time of Bothwell and Jean Gordon's marriage.

* An objection has been raised that the phrase in the Dispensation—"in facie ecclesiae"—was not a condition imposed upon the parties. It is maintained that it signifies no more than that they should solemnise their marriage in a Public Church, not necessarily a Catholic Church. The real question is, what did the Legate mean by the phrase "in facie ecclesiae?" Evidently as the Canon quoted below (p. 22) prescribed, viz., that marriages were to be solemnised in a "Public Church," before

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the terms of the Dispensation not having been complied with, the marriage having been contracted, not "in the Face of the Church," but outside, in a church not recognised by the Holy See, and solemnised by one possessing no authority to administer the Sacraments, it was *ab initio* null and void —the Dispensation, in consequence of the violation by the parties of an essential condition, having no operative effect to make it valid.

I shall be reminded that the civil law of Scotland does not require persons to be married either in the Kirk or in the Catholic Church; it being sufficient to contract before witnesses. This may be the case, and had the Dispensation been absolute—that is, without the condition, "in the Face of the Church," Bothwell and Jean Gordon might have been validly married; but they were bound by the terms of the Dispensation, and strict obedience to its requirements was

a priest, and in the presence of three or four of the faithful. That is to say, "in facie ecclesiae," means a "public church," in communion with the Holy See and no other. The Legate, in the Dispensation, says:—You, who are within the prohibited degrees, may marry, and you may marry in the Face of the Church, in the accustomed manner, as I have first explained. There are two clauses in the sentence—(1) the permission, and (2) the denomination wherein the marriage may be solemnised; and these clauses cannot be so separated as to allow the parties to accept the permission, and to reject the direction in regard to the manner of solemnising their marriage; this would not be in accordance with the terms of the Dispensation. The expression then, "in facie ecclesiae," is an *essential* condition imposed upon the parties, the rejection of which is fatal to the validity of the marriage. Benedict XIV. says, that "matrimony contracted within the prohibited degrees, for which a Dispensation has been conceded by the Bishop, is declared to be null, unless the conditions prescribed in the concession of this kind of faculty be observed. (Tom. II., Constitut. 19.)

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necessary to give it effect. I conclude, then—subject to correction if I am wrong—that Bothwell and Jean Gordon's marriage was invalid, and that they stood to each other after the ceremony precisely as they were before—*i.e.*, unmarried.

A question now arises, why was not the marriage annulled on the ground of non-compliance with the terms of the Dispensation, rather than because of its not having been obtained before the marriage? The answer is, because it was never submitted to the inspection of the Court of the Legate; but had it been laid before the Court, there can be no doubt that the marriage would have been declared null and void, because of the contemptuous use the parties had made of the Dispensation, by obtaining from the Primate and Apostolic Legate permission to marry, and then, regardless of its terms, they, with the assistance of a Presbyterian minister, solemnised their marriage in a Protestant kirk. The union, then, of Bothwell and Jean Gordon being null and void, Queen Mary, as a matter of fact, cannot be accused of espousing the former on the ground of his being at the time a married man.*

* Dr. Stuart's argument, implying the guilty knowledge of Queen Mary, is based on the hypothesis that she was herself personally cognisant of the existence of the Dispensation. He says that "the process on which the Dispensation for Lady Jean Gordon's marriage with Bothwell proceeded was to some extent of a public character"—that "the Queen took a special and personal interest tn the marriage arrangements," hence he draws the conclusion "that the Queen's knowledge of the Dispensation is no unreasonable supposition;" and he notes the fact of the Queen being "aware of the necessity of such marriage dispensations," from her obtaining a dispensation to marry her husband, Lord Darnley. (Dr. Stuart, pp. 25, 26.) Now it is to be observed that it by no means follows that the Queen herself was

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LETTER III.

Before I proceed to the main point I have in view in regard to the subject upon which I am treating in these letters, I must request your consideration of another important matter, viz., the apparent contradiction between the judgment or declaration of the Catholic tribunal of the

cognisant of the proceedings necessary for obtaining a dispensation. These are matters of detail. Nor is it necessary that she should have seen the Dispensation. The usual course, as I am informed, is this, that when dispensations are granted, they are forwarded to the priest who marries the parties concerned, and then deposited in the archives of the diocese. The probability is that the Queen had no *personal* knowledge of the existence of the Dispensation; there is no proof that she even ever saw the document; but that she, trusting to the ecclesiastical authority, believed that it had been obtained much in the same way as the nearest relations believe that all necessary documents had been obtained for the lawful marriage of those they are interested in, without having such *personal* knowledge thereof, as would justify them to assert the fact on oath. So also in regard to what Mr. Hosack says on this point, as quoted by Dr. Stuart (Ib., p. 25), viz. :—"It is infinitely more probable that the Queen was kept in ignorance of the Dispensation than that she should have consented to a marriage which she knew at the time was not only absolutely void, but which could not by any possibility be rendered valid." I agree with Mr. Hosack that it is far more reasonable to suppose the Queen's ignorance of the Dispensation, than that she would be capable of assenting to an invalid and illegal marriage. But the truth is, that neither Dr. Stuart nor Mr. Hosack had any suspicion that the Dispensation had no operative effect, in consequence of the parties having disobeyed its direction to marry "in the Face of the Church." Had they understood that this act of disobedience to the terms of the Dispensation was fatal to the validity of the marriage, they would never have thought it necessary, the one to accuse the Queen, and the other to excuse her, of guilty knowledge.

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Primate and the fact of the existence of the Dispensation. The following is the account of the proceedings that took place before this tribunal :—

Upon the 27th April, 1567, the following were appointed commissioners "to cognose and determine" a cause on the part of Bothwell for annulling his marriage with Jean Gordon, on the ground that they were within the prohibited degrees of consanguinity: "Rot. Bishop of Dunkeld, William Bishop of Dumblane, Mr. Andro Crauford, chanon in Glasgow and parson of Egelshame, Mr. Alexander Creichtoun, and Mr. George Cook, Chancellor of Dunkeld, and Mr. Johne Manderstoune, chanon in Dunbar and prebendar of Beltoune, or any one of them,"* the last named being the "Judge Delegate under the Archbishop of St. Andrews, allegit Primate and Legate."†

The commission was opened upon the 3rd of May, 1567, Mr. Thomas Hepburne, parson of Auldhamstocks, and Mr. Henry Kinrosse, were respectively the procurators of Bothwell and Jean Gordon; and from the number of persons summoned as witnesses, it would appear that a careful investigation had been made into the matter in question; and after four days, on the 7th of May, the decree or declaration was pronounced—viz., that the marriage was "null from the beginning, in respect of their contingence in blood, which hindered their lawful marriage without a dispensation obtained of before."‡ Whether these are the *ipsissima verba* of the judge is not certain, for, as far as is known, all the original documents have been lost; the document from which I have quoted is described as an "Account of the sentence of divorce between the Earl of Bothwell and Lady

* Dr. Stuart, p. 93. † Ib., p. 90. ‡ Ib., pp. 91–93.

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Jean Gordon his wife. From a manuscript belonging to Mr. David Falconar, Advocate, Fol. 455." It is given by Dr. Stuart in his work, and it is also to be found in Robertson's *History of Scotland.** The form of the sentence must be taken as correct, until the original documents—if existing —shall be discovered.

In my last letter I showed that the marriage was null, because the parties did not obey the one condition it contained; but the court decided it was null because of "their contingence in blood, which hindered their lawful marriage without a dispensation obtained of before." It has been supposed that there had been a collusion between Bothwell and Jean Gordon, together with the Primate and others, for concealing the existence of this Dispensation from the view of the court, in order that the Judge Delegate might pronounce a judgment nullifying the marriage. This is not impossible, but this hypothesis is not necessary for reconciling the apparent contradiction between the terms of the sentence and the fact of the pre-existence of the Dispensation.

Let us examine this point. When an application is made to the Holy See, or its Deputy, for a Dispensation in matrimonial concerns, first a petition is presented, stating the reasons for the prayer; and if it be a case for relaxing the rigor of the law relating to prohibited degrees of consanguinity or affinity, a statement to that effect is made in the petition, and humbly presented to the Holy See or its Deputy. If the reasons are satisfactory, Letters of Dispensation are accordingly granted; upon the receipt of which, at or before the time of marriage, they are presented to the proper local ecclesiastical authority, and then the marriage may lawfully

* *See* his works; Appendix No. xx., edit. Oxf., 1825. Dr. Stuart, pp. 90–93.

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take place. Until these conditions are complied with, it cannot be said that the Dispensation has been obtained in the strict sense of the term; for I apprehend it is not enough to issue the Letters of Dispensation, but they must be acted upon according to its terms; and if there has been any failure to do so, the Dispensation, in the view of the court, would be non-existant.*

Having stated the law in this matter, as I have been informed, and as I understand it, I will proceed to apply it to the point now to be discussed.

First, it is necessary that the Letters of Dispensation should be presented to the Catholic priest whose duty it is to marry the parties; but inasmuch as Bothwell and Jean Gordon were married outside the Church, there was no such priest to whom they could have been presented. The Dispensation, then, not having been presented according to the requirements of the Church, was for all intents and purposes non-existant, and consequently the marriage was null. The only recourse of the parties, if they still continued in the same mind, was to apply for a new dispensation, and be re-married according to the terms therein expressed. Secondly, it is a law in the Church, that if a supplicant prays the Holy See to grant a dispensation, and if he keeps it or its deputy in ignorance of some important matter of which it ought to be cognisant, such dispensation, if granted, would have no effect. That Bothwell did conceal an important point from the Primate and Legate is so evident as to be indisputable. According to the marriage contract, dated 12th of February, 1565-6, Bothwell entered into an

* It would seem that non-publication of a dispensation would nullify the marriage. (*See* Instructions to Queen's Commissioners, Miss Strickland, vol. vi., p. 396.)

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engagement with Jean Gordon to "solemnise the band of matrimony with her in Face of Holy Church by words of the present time, with solemnities required thereto as effeirs."* From these words it is clear that Bothwell expressed his consent to comply with the engagement just stated; and subsequently he joined with Jean Gordon in applying for the usual dispensation in cases like theirs. But Bothwell had no intention of carrying into effect his promise of marrying "in the Face of the Church," nor of complying with the terms of the Letters of Dispensation in this respect, for he was a rigid Protestant of the most bigoted type. A few days before his marriage he declined the Queen's request to take part in the ceremonies of the feast of Candlemas; he refused, as we know, to be married "at the Mass," and was actually married in a Protestant church; and subsequently when, as a great officer of state, he attended the Queen on the occasion of the baptism of her infant son, no consideration would induce him to cross the threshold of the Church. It cannot be doubted that he never informed the Primate and Legate, when applying for a dispensation, of his determination to marry in a Protestant church: this is quite certain, because if he had made this communication, which under the circumstances he was bound to do, the Primate and Legate would not have granted it. Indeed, he *could not* because no Authority in the Catholic Church could possibly grant a dispensation to enable parties to marry outside the Church: such a proceeding would be *ultra vires*. It is clear, then, that Bothwell deceived the Primate and Legate in an essential point; and consequently the Dispensation became a dead letter, of no greater value than waste paper.

* Dr. Stuart, p. 95.

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Thirdly, Dr. Stuart gives us a copy of a canon made at Aberdeen before the Reformation, which he says is to be found in the "Statut. Eccles. Scotic., vol. i., pp. xiii., clxxxix," the effect of which is that marriages are to be contracted in "a Public Church" "in the presence of a priest and three or four of the faithful." Whether this canon is diocesan or provincial does not matter, because, if Dr. Stuart is right, it expresses the principles of the canon law and of the law of Scotland before the Reformation; and he adds, "By the canon [*i.e.*, in its *legal* aspect] just recited it was illegal for persons within the fourth degree of affinity or consanguinity to intermarry." * According to this canon, forming as it did part of the civil law of Scotland, the marriage of Bothwell and Jean Gordon, being within the prohibited degrees, and the Dispensation, for reasons above stated, having no operative effect, was ecclesiastically and legally null and void.

If it be alleged that the Catholic Church and the canon law had in the time of Bothwell been abolished, this is a mistake. True, a bill passed through the Scottish Legislature in 1560 to this effect, but the Queen, in spite of her Council, her Ministers, and in spite of Elizabeth of England, resolutely and persistently refused her royal assent.† The Catholic

* Ib., pp. 65, 66.

† Tytler's "Hist. Scot.," vol. vii., p. 145.

There is no doubt that the pre-Reformation canon law, with regard to marriage, was, legally, in force in Scotland at this time. Dr. Stuart says—"With respect to the point of Bothwell's previous marriage," the Bishop of Dunblane was thus directed: "'Item, in case it should be objected to you by the King [of France], the Queen, or our uncle, or any other friends, that our present marriage cannot be lawful, in respect that he with whom we are presently joined was before coupled to a wife, ye shall reply and answer according to the very truth, that albeit

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Church then, though practically overthrown by violence, was still the legal establishment of the realm, and consequently, whether the people wished it or not, the canon law, as it stood before the Reformation, was still part of the Civil Code of the Kingdom.

From these considerations I draw the conclusion that the marriage of Bothwell and Jean Gordon was null and void, not only because of the disobedience to the requirements of the Dispensation, but also because (1) the Letters of Dispensation had never been presented; (2) because the Dispensation was surreptitiously obtained; and (3) because in the violation of the canon law, then in legal force in Scotland, they had not been married before a priest. The judgment of the court was then technically correct, notwithstanding the existence of the Letters of Dispensation, which in point of fact was a dead letter, not having been executed according to the law and customs of the Church, being destitute of any operative effect. It is impossible then to assert that, in any sense of the term, Bothwell was a married man when he compelled the Queen to pass through a ceremony purporting to be a marriage.

he was before married, yet the marriage with him, the former contract and band was, by the order of law expressed in the canons received (ressavit) and practised in the realm, for lawful cause of consanguinity, and others relevant dissolved.'" (Dr. Stuart, p. 30.) And again, in the letter to Elizabeth, she is made to say, "his former marriage was dissolved, and the process of divorce orderly led for resolute causes of consanguinity and others, before our marriage with him." (Ib.)

I quote from these two letters, which the Queen wrote while under the power of Bothwell, simply to shew that the old canon law was still in force in Scotland, and formed part of the civil law of the realm.

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LETTER IV.

The question still remains, whether the terms of the sentence of the Judge Advocate may not after all be literally true, that the marriage of Bothwell and Jean Gordon was null, on the ground of no dispensation having been "obtained of before." This involves the serious charge of forgery, upon which I desire to say a few words, as I think there are some good reasons for supposing this to have been the case.

1. It is remarkable that no mention is made in the contract of marriage between Bothwell and Jean Gordon of the fact of the parties being related to each other in the fourth degree of consanguinity, and of the necessity of applying for a dispensation from the Holy See, or its Legate, to allow them to marry. It appears that in Scotland there were many families, especially in the higher ranks, which were related within the prohibited degrees; and in ignorance thereof not a few intermarriages took place without first obtaining a dispensation, and in some cases when this was discovered, the parties concerned, changing their minds towards each other, separated to enter into other alliances. As a remedy against this monstrous scandal, "careful provisions were generally introduced" in the marriage contracts,*

* Dr. Stuart, p. 73. Dr. Stuart gives a few examples: (1) In A.D. 1491, Patrick, Earl of Bothwell, grandfather of Bothwell, agreed to marry one of the daughters of the then Earl of Huntly, and in the contract it was provided that "if there be any impediments of affinity or consanguinity found in the meantime whereby the said marriage may not have progress according to the law of Holy Church, the remedy thereof be procured and a Dispensation gotten in all possible haste at the common expences of both parties." (Dr. Stuart, p. 74.) (2) In the case of George Earl

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obliging the parties to obtain the necessary dispensation, if perchance any impediment should subsequently be discovered. The question is naturally raised, why was no statement of Bothwell and Jean Gordon's mutual relationship made in their contract of marriage, and no engagement entered into between the parties to obtain a dispensation? As has been said before, Bothwell was a Protestant, so was the Earl of Huntly,* as also Alexander Gordon,

of Huntly and Elizabeth Keith, A.D. 1530, it was provided in the contract, that if after their marriage was completed "there happened or occurred any cause of divorce or impediment of law whereby the said" parties "may not lawfully remain together in marriage . . . the said George, Earl of Huntly, shall as soon as any such impediments come to his ears, with all possible diligence send to the Court of Rome for new dispensations, and shall obtain and get them, and bring them home to confirm the matrimony standing between them, making the children" legitimate. And then it was provided that the Earl of Huntly "shall move no cause of divorce to part from the said Elizabeth . . . the said Elizabeth being ready thereto." (Ib., 74, 75.) (3) In 1554 a contract of marriage was entered into between Hugh Earl of Eglinton and Lady Jane Hamilton, in which it was provided that "if it happened in any time hereafter that any cause or impediment of consanguinity or affinity . . . be known or knowing between the said" parties "which happened not to be dispensed before the contracting of the said marriage, the said Earl shall" obtain at his expense "a new dispensation or dispensations." (Ib., 78). And similarly, in the year 1562, in the marriage contract of the Earl of Eglinton and Dame Agnes Drummond the same provisions were made. (Ib., p. 79.) Dr. Stuart gives other examples, but these are sufficient to show that it was customary in Scotland, during the reign of Queen Mary, to make provision in marriage contracts for obtaining a dispensation if an impediment should hereafter be discovered to exist.

* It has been alleged that the Earl of Huntly was a Catholic at this time. If he was, he acted as a Protestant, and in company with

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who calls himself a protonotary, these, together with others, were contracting parties for the purpose of carrying into effect the provisions of this marriage contract. None of these Protestants would care to introduce any provision for obtaining a dispensation from the Holy See or its Legate; and hence we may conclude that at that time there was no intention of obtaining one.

2. After the death of the Queen's husband it does not appear that the subscribers to the famous Ainsley band were aware of any existing dispensation authorising Bothwell and Jean Gordon's marriage, when they recommended the Queen to espouse Bothwell. Dr. Stuart, quoting "Keith's History" (Vol. ii., p. 563), observes that "the subscribers of this document made no account of Bothwell's existing marriage, and assume that it was null, or would be annulled."* The subscribers and those who joined in their recommendation to the Queen, "comprised all the Bishops that were in Parliament but one, all the Earls but two, and all the Lords but five."†

Taking no account of some among these who were the murderers of Darnley, this is strong testimony to the predominant belief that no dispensation existed, and indeed, if we may rely upon any statement made by Bothwell, the following extracts from his "Memoir" confirms what I have stated: "Having gained my cause [*i.e.*, his acquittal of the murder of Darnley] as aforesaid, there came to my place of residence, twenty-eight of the said Parliament, of their own

Bothwell, Fleming, Levingston, and Lindsay, refused to obey the summons of the Queen to assist at Mass on Candlemas-day. (*See* Robertson, "Hist. Scot.," Append. No. xiv.)

* Ib., p. 15, note.

† Camden, i., 138, *see* "Lingard's Hist. Eng.," vol. vi., p. 73, note.

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free accord, without being asked; being twelve Earls, eight Bishops, and eight Lords, doing me the honour of offering me their alliance and friendship, in the manner following." And here follows the recommendation of the Queen's marriage with him; and then Bothwell continues: "At the same time they deliberated in what manner I could lawfully repudiate my first princess [Jean Gordon] according to the divine laws of the Church and the customs of the country; on which they instantly agreed."* None of them, apparently, believed

* Hosack, vol. ii., pp. 586, 587.

It seems to me that Jean Gordon had become convinced that no genuine dispensation had been granted in favour of her marriage with Bothwell. The following observation indicates this. The process of divorce on the part of Lady Jean Gordon against Bothwell for adultery commenced upon 29th April, 1567. In her petition, after stating that she had lived with him for several months, she, on account of Bothwell's adultery with one of her own honsehold, prays that she be no longer "reputed the bone of his bone nor flesh of his flesh, but that she be decerned [adjudged] to be free to marry in the Lord where she pleases." After an investigation which lasted five days, it was decreed that "the said noble Lord [Bothwell] to be separate, cut off and divorced *simpliciter* from the said noble lady, and she to be free to marry in the Lord where she pleases, as freely as she might have done before the contract and solemnisation of marriage with the said noble Lord. . . ." (See Fr. Stevenson's Nau's *Life of Mary Stewart*, pp. clxiv., clxv.) This is strong evidence against the existence of any dispensation. As a Catholic (and it is said she was a strict one), she knew that no marriage could possibly be dissolved if it had been canonically and lawfully solemnised. It seems evident, then, that after her marriage she discovered that the Dispensation was either a forgery, or, not having been published (*see* note, p. sup. 20) and executed according to its terms, it was a dead letter having no operative effect. If this is the true version of the affair it explains how she became a party to its concealment, or rather to its non-presentation to the civil and ecclesiastical courts.

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that any dispensation had been applied for and granted, otherwise they could not have "instantly agreed" how to get rid, "according to the Divine laws of the Church" of Jean Gordon as the wife of Bothwell.

3. I believe I am correct that no contemporary writer alluded to this Dispensation; none of the Ambassadors from England and France mentioned it as a bar against her marriage with Bothwell, which is certainly most remarkable considering the very high rank of the parties concerned, so intimately connected as they were with the Queen, and mixed up in the affairs of the Kingdom.

4. Murray, the Regent, was evidently ignorant of this Dispensation. It would have been a trump card in his hands, by which he might have fixed, in the mind of the Queen's enemies, though unjustly, an irremediable stain on her character, especially when he accused her of immorality before the Commissioners at York and Westminster. He could then have asserted, with apparent truth, that she had knowingly wedded a man already married, his wife still living.

5. There is a document existing, which seems to witness that a dispensation had been granted. It is entitled on the back, "Proces of Divorce twixt Erle Bothwell and his Wife. Feb. 21, 1565" (O.S.). It states that a dispensation had been obtained, and then it gives the various steps in the genealogy of the parties, showing how Bothwell and Jean Gordon were related to each other, on both sides, in the fourth degree of consanguinity. This document is attested by "A. Forrest, protonotary and datary to the most reverend Lord the Lord Legate."* According to the endorsement, this document was prepared to assist the court of the Primate and Legate in

* Dr. Stuart, pp. 87, 89.

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determining the cause for the nullification of the marriage of Bothwell and Jean Gordon, three days before their marriage —so it would seem that "Process" had commenced for a dissolution of their marriage before it was even solemnised! If, on the other hand, this paper had reference to the supplication for a dispensation, it was too late, for the petition had already been made, and the Dispensation granted, four days previously—viz., the 17th Feb., 1565 (O.S.) Surely there is something very suspicious in this, for who, in the one case, would commence proceedings for a divorce before the celebration of the marriage of the parties concerned? And again, who, on the other hand, would prepare the materials for a petition for a dispensation subsequent to its grant? whichever way we look at this document, it has a very suspicious appearance.

6. I am not learned enough in antiquarian research to express any opinion respecting the correctness of the form or wording of the text of this Dispensation; or whether it is fatal or not to its genuineness, that the seal of the Primate should be wanting; for, considering that this document had been lying amongst the archives in Dunrobin Castle for three centuries undisturbed, it is scarcely possible to have disappeared. However, these points I leave for those who have made such matters their special study to determine.*

* The following is a remarkable observation from Dr. Stuart respecting this document. He says, in a note: "It is singular that this curious document [the Dispensation] should have remained so long in its obscurity. The charters no doubt were carefully examined in last century during the great law case which involved the descent of the family honours, and in recent times they have been referred to by several of our best record scholars who had access to them. An elaborate historical account of the Sutherland family, based on the

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7. There is no doubt that Bothwell was a consummate scoundrel. He had brought with him from Denmark two noble ladies under promise of marriage; he had led astray many "gentlewomen" in France, England, and in Scotland,* and it is by no means improbable that he never intended to contract a *lawful* marriage with Jean Gordon. He used the forms of law to effect his object, and when accomplished repudiated the woman whose feelings in every way he had outraged. It is not unlikely that Bothwell at the very time of his marriage with this lady intended at a favourable opportunity to marry the Queen. When her Majesty first arrived in Scotland he laid his plans for becoming her husband, she being then a widow. Her marriage with Lord Darnley defeated his purpose for a time, and there is little doubt that the object of his murdering her husband was to obtain her hand.

8. The language of the Judge Delegate points to the fact that no Letters of Dispensation had been granted from the office of the Primate and Legate. If there had been, Forrest, the Datary and Secretary of the Primate, who countersigned this document, would have known of it. In the course of inquiry of the Judge Delegate, he would have

charters at Dunrobin, was recently prepared for 'the Origines Parochiales Scotiae,' but it makes no allusion to the Dispensation." (Dr. Stuart, pp. 24, 25, note.) I give the extract for what it is worth, but I agree with Dr. Stuart in observing that "it is singular" that this long-lost document, never heard of at the time of its supposed issue, nor since, until very lately, should have escaped the observation of "our best record scholars," and of those who were seeking for materials for a history of the Sutherland family.

* *See* "Will of Bothwell," M. Petit's *Hist. Queen of Scots*, vol. i., p. 345. Tr. by De Flandre.

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easily discovered the fact. The other Commissioners, too, consisting of high ecclesiastical dignitaries, would likewise have searched the records in the office, and if the Judge Delegate was wrong in his assertion that no dispensation had been granted before the marriage, they would have corrected him. It seems to me more probable that no Letters of Dispensation had been issued by the Legate, and consequently it was not to be found in the Datary Office, else the judgment or decree would not have turned upon the point whether there had, or had not, been a dispensation granted before the marriage, but whether its terms had been properly complied with.

9. I think there is every probability that this document is a forgery, prepared no doubt to satisfy the scruples of Jean Gordon, who, being a Catholic, could not marry Bothwell without a dispensation;* and also of the Queen, who would not have sanctioned the marriage without one. The document, then, having accomplished its purpose, was carefully concealed, having been seen by no one; not by the Primate and Legate, who is supposed to have granted it; not by any of the signers of the marriage contract; not by the Protestant minister who married the parties;

* Supposing the Dispensation had been a genuine document, how came Jean Gordon to be in possession of it? As observed, original documents of this sort are always preserved in the archives of the See, copies only being made for the parties concerned. This seems to me very suspicious, and has the appearance of its having been prepared under Bothwell's supervision, and handed over to Jean Gordon. If this be the true view of the case, it was never in the office of the Datary; in other words, the Dispensation had never been granted. Hence the discovery of the Legatine Court that the marriage was null, on the ground that no Dispensation had been obtained before the marriage.

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not by the Bishops of Ross and Dunblane, who were present at the Queen's marriage; not by the Lords, Spiritual and Temporal, who had assumed its absence; not by Murray, who would have rejoiced in its acquisition, and which would have saved him much trouble in forging false evidence against the Queen; not even by the court of the Primate and Legate, which by the mouth of the Judge Delegate decreed that no Dispensation had been "obtained of before" the marriage.

LETTER V.

Having disposed of the Dispensation, as I believe I have done, I now invite your attention to two questions: first, Whether Queen Mary ever had any tender feelings for Bothwell? and, secondly, Whether the marriage of the latter with the former was valid? So far as the moral law and political expediency (apart from the charge of murder against Bothwell at that time unproved) were concerned, I know of no legitimate reason why the Queen should not have married Bothwell,* if she thought that it would have been for the good of Scotland, as she was led to believe would be the case, when the Lords of the Council proposed it to her. I say that if she entertained anything of the sort, and carried it into effect, she would have committed no immorality,

* This was not a case for a re-marriage of Bothwell and Jean Gordon, because the latter had sued her supposed husband in the Protestant Consistorial Court for adultery with one of her household, and she could have had no desire for a re-marriage. Bothwell was, by virtue of the nullification of his marriage by the Legatine Commission, free to marry any one.

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because Bothwell was in the eye of both Church and State unmarried, and therefore free to marry any one. And you must remember that Queen Mary had been assured by the sentence of both the Catholic and the Protestant Courts that the marriage of Bothwell and Jean Gordon had been annulled.

1. Whether Queen Mary ever entertained any tender feelings for Bothwell?

The numerous charges brought against the Queen—that she was in love with Bothwell in the lifetime of her late husband; that an amorous correspondence, not over decent, passed between them; that they had criminal intercourse; and that she connived at the conspiracy for the murder of her husband in order to facilitate her legal union with this man—founded upon a number of letters, sonnets, &c., which after the Queen's departure from Scotland were said to have been discovered, and which were laid before the Commissioners appointed to investigate her case at York and Westminster as proofs of her depravity and crimes—I pass by as wholly irrelevant to this inquiry. For many years these papers were believed to be genuine, and Hume and other historians, Scottish and English, founded upon them their estimate of the character of this Queen. But in late years these documents have been subjected to the severest criticism, and under the able pens of M. Petit, Miss Strickland,* and especially of Mr. Hosack, an eminent barrister,

* Since I wrote this, a most valuable little work has appeared in this country, by the late Col. Meline, an American gentleman. It consists of a most able criticism on Mr. Froude's abominable attacks on the public and private character of Queen Mary. I recommend all who care for truth to peruse this work. The title of the work is "Mary Queen of Scots and her latest English Historian," by James F. Meline, New York. He was a Catholic.

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have been proved to have been a series of horrible forgeries designed for the purpose of destroying, in the estimation of the world, her moral character; by which it was hoped that her influence as a good and virtuous woman and sovereign, over the hearts of her people in Scotland might be hopelessly annihilated. So malignant was the hatred of her implacable enemies, that they actually made use of some of the Queen's letters of fond affection to her former husband, and by skilful manipulations and interpolations exhibited them to the Commissioners above mentioned as having been addressed to Bothwell. Those who desire to form a just idea of the Queen's character, should study the works of the authors above named, but especially that of Mr. Hosack, who with the legal acumen of an accomplished lawyer, and with the calm impartiality of an upright judge, has most ably and conclusively exposed the falsehoods contained in these documents.

It is unnecessary for me to enter into any investigation of these false testimonies; I prefer to prove the case in hand from such evidences as may be drawn from certain well-known historical facts, and from the inferences which naturally and of necessity flow from them. And I contend that this sort of evidence is far more satisfactory than hundreds of dubious documents.* I pass over all these documentary evidences as worthless; I take the liberty, too, of ignoring the letters of the English Ambassadors to the Court of Scotland, to Elizabeth and the English Government,

* It is to be observed that a very large proportion of the history of Scotland in this reign is founded upon documents composed by the enemies of the Queen (whose object was to injure her as much as they could), and consequently they ought to be studied with the greatest reserve.

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as being, so far as the conduct of the Queen was concerned, of very doubtful authority, most of their information having been derived from mere hearsay evidence, or obtained from the enemies of the Queen; and, further, the words and letters of Queen Mary herself, so long as she was under the power of Bothwell, are not, and cannot be regarded as fair exponents of the real state of her mind and feelings.

1. There is no doubt that up to February, 1567, the Queen had a great regard for Bothwell, and very justly so, for during her reign he, while all around her were either secret or open traitors, had been, so far as appearances went, a true and a loyal subject, faithful to herself and the realm. She, therefore, as every other Sovereign would do, rewarded him by promoting him to be one of her Ministers of State, and by adding to his fortune. But an incident occurred, of which the enemies of the Queen sought to make capital, by accusing her of an unholy affection for him. It happened that upon the occasion of her going to Jedburgh to hold an assize court, hearing that Bothwell was lying ill in his castle, from the effects of a severe wound he had received in her service, she visited him, accompanied by her whole court, for the purpose of showing her kind sympathy and regard, and having performed this act of charity, she returned to Jedburgh.* Had Mary been really in love with Bothwell at this time, she had an ample opportunity of gratifying her predilection. It is well known that she and Darnley were on bad terms; Darnley had proved himself to be false to his Queen and wife, conspiring with her enemies against her, and opposing her will in everything. To such a pass had things come, that it was proposed to the Queen to

* Miss Strickland's *Lives of the Queens of Scotland*, vol. v., c. xxv.

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apply for a divorce; and if she had been the wicked character she was said to have been, she could easily have found means, not only of obtaining a divorce, but of disposing of him altogether.* But she refused to listen to the proposal for a divorce, saying that she would trust in Providence.† This does not indicate any improper partiality for Bothwell at that time. But all absence of such partiality was clearly shown, when she gave her favourite lady of her household and her personal friend, to Bothwell for his wife. She took great interest in this wedding. She loaded Jean Gordon with rich presents, and she presided over the festivities. It is not usual for a woman in love with a man to gratify her desires by bestowing upon him not her own, but the hand of another. This, I think, sufficiently disposes of the question whether the Queen had at this time any tender regard for Bothwell.

2. The murder of Lord Darnley occurred in February, 1567. It is well known that not long before he had been taken ill with a malignant disorder. The Queen at once joined him, nursed him tenderly, and upon his convalescence, brought him by slow stages to Edinburgh.‡ During that period Darnley confessed to the Queen all his crimes against her, and the tender heart of the Queen was melted. They became reconciled, resolving for the future to live as man and wife in all true love and affection. All along the heart of Mary was true to her husband. She refused to be divorced from him when she had good cause; but the

* Darnley had been repeatedly guilty of treason, for which he might have been tried and executed. The Queen was, however, so fond of him, that she forgave him as often as he offended her.

† Ib., pp. 52-57. ‡ Ib., c. xxix.-xxx.

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instant she heard of his illness she flew to his side, taking the greatest care of him. Women who hate their husbands and love illicitly other men, do not behave in this manner; and especially if the disease should be exceedingly malignant and highly contagious. Does not this little insight into the heart of the Queen demonstrate far more eloquently than words can express, the deep attachment she had for her husband, and at the same time her entire absence of any passion for another? It may, then, be safely averred that, until the death of Darnley, the Queen's heart was as true to him as steel is to the magnet.

3. Soon after the murder of Darnley, the Queen paid a visit to Seton Castle,* when Bothwell seized the opportunity of commencing operations for securing for himself the hand of his widowed Sovereign. Previously he had submitted his case to the Lords who had been present in Parliament; and, as I mentioned in a former letter, he obtained from them a document called a "band," the subscribers of which together with others of the Spiritual and Temporal Lords, recommending to the Queen himself as her future husband. And with this document he visited the Queen at Seton, and opened his suit, but finding her Majesty gave no encouragement, he returned without bringing it to any definite result.† Certainly Bothwell's first attempt at wooing the Queen was not a success; he seems to have been awkward, shy, and embarrassed, and so feebly did he press his suit, that it was not until after a considerable time that the Queen became conscious of his intentions. If all the falsehoods that have been told concerning the Queen's unholy partiality for Bothwell were true, would she have had any difficulty in

* Ib., p. 203. † Ib., p. 259.

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quickly comprehending his object; and would there have been any necessity for Bothwell to win her affections, seeing that he had already, even before the death of Darnley, won them? No; her tardiness to apprehend the object of his attentions, and the embarrassment of Bothwell himself, show with great force how utterly unconscious she was of any tender feeling for him; and this she further indicated by withdrawing herself as much as possible from his society.

4. In April, 1567, the Queen set out for Stirling to visit her infant son; it was part of Bothwell's duty, as sheriff of the county, to escort her Majesty there and back. The Queen, however, was determined to dispense with his services. In making her arrangements, she passed him over, and selected some of her other Lords to accompany her.* Considering what had so lately occurred, this was a most natural proceeding, clearly showing that the Queen was averse to any intimate association with him, which would have been very difficult for her to avoid during her ride to Stirling. Had she been in love with him, and Bothwell free to marry any one, this journey would have afforded both a natural and legitimate opportunity of gratifying her predilection, for at that time there was no proof of his having been one of the murderers of her late husband. But having no such affection for him, she designed, as we have seen, to secure his absence.

5. Upon the 21st of this month she started, accompanied with her lords and ladies and a small guard. She reached Stirling in safety, and on the morrow commenced her return journey. When she had arrived within a few miles of Edinburgh, she heard that Bothwell at the head of a thousand

* Ib., p. 261.

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horse was approaching, and we read that she hurried on hoping to get within the gates of the city before his arrival. But he was too quick for her; and arriving, he surrounded her, making her and the lords prisoners, and ordering the ladies to return home. He took the Queen to Dunbar Castle, refusing her the protection of her lords, and allowing her only one attendant, his own sister, who was in his interest. Bothwell had received a rebuff from the Queen; she had given him no encouragement to his suit for her hand; she had passed him over as her proper guard on the road, and now that he had her in his power, he would make the most of his opportunity, and compel her to yield to his wishes. A terrible struggle ensued. Bothwell swore that he would marry her whether she would or not; he threatened her with the vilest consequences if she still held out, and at last he compelled her from bodily fear to consent to become his wife.* Her enemies, with characteristic impudence, asserted that this abduction of the Queen on the road, and her captivity at Dunbar, had been previously arranged between them. This infamous story was told to Melville by a captain in Bothwell's corps, who mentioned it to Sir William Drury,† who, in his turn, informed Cecil, and he, doubtless, Elizabeth. But the surrounding circumstances contradict this story.

First, with regard to the abduction, if the Queen had been in love with Bothwell, where was the necessity for this outrage? Is it usual for men to make prisoners of the women who love them, and by threats of worse than death compel them to accept them for their husbands, they being all the while ready to throw themselves into their arms?

* Ib., p. 271-277. † Tytler, *Hist. Scot.*, vol. vii., p. 108.

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This is certainly a new mode of wooing, to strive to destroy the reputation of a woman when both at the same time are willing to take each other for husband and wife! I do not see what stronger evidence can be adduced to show that the Queen had no tender affection for Bothwell, and had no desire to become his wife. Indeed the violence of his language, the rudeness of his behaviour, and the brutality of his conduct, indicate more emphatically than any words can express, the absence of all affection on the part of the Queen for him, and at the same time her intense dislike to making him her husband. Secondly, if the abduction was effected with the Queen's consent in order to oblige the great nobles of the country to acquiesce in an affair which could not be undone, where was the necessity for this so-called collusion? Bothwell had only to take from his pocket "the band," which would have explained to her Majesty that the consent of the nobles had been already obtained, and consequently there was no difficulty of that kind against her marrying him.

But Bothwell did not produce this "band," for the obvious reason that he had not obtained possession of the Queen's heart, and that he well knew that no amount of consent on the part of the Lords of Parliament would induce her to marry him against her will. This also is an overwhelming testimony that the Queen had no love for this man. As soon as Bothwell had accomplished his execrable purpose, he conducted the Queen to Edinburgh; he would not permit her to lodge in her own palace, but took her to the castle, where he kept her a close prisoner, permitting no one to visit her except Melville. He forced her to authorise the banns of marriage to be published; he then took her to Holyrood Palace, where she was obliged to hold a Court, to

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grant a public pardon to Bothwell for his treasonable outrage upon her, and to create him Duke of Orkney and Shetland —acts and deeds which, under the circumstances, were absolutely void in law. Shortly afterwards the marriage was celebrated, the Queen appearing in her widow's dress.* Who ever heard of such a case as this?—a woman madly in love with the man of her choice, who captures her on her way home from Stirling, imprisons her in a stronghold; wrings from her a willing consent to marry him; brings her a prisoner to another stronghold; compels her to agree to the banns being published; conducts her to her palace, and there obliges her to marry him, she being all the while most willing to be all in all to him, and at the same time showing her excessive ardour for him, and her pleasure, by appearing dressed in "widow's weeds!" Can any sane man assert that this was a love match? Can any one be so silly as to suppose that love and captivity are convertible terms? Was there ever such a case as this heard of before? that it was necessary for success to capture, to imprison, to torture, to humiliate in the presence of the world, and to employ force to oblige the woman who loves him to marry him! It is a unique case, and it proves that the Queen never cared for Bothwell, and that she never intended to accept him for her husband. Before such testimony as this, drawn from events narrated by all historians, no amount of papers, letters, sonnets, &c., &c., already discovered, or which may be hereafter discovered, in derogation of her character, can stand against the force of recorded facts, and the natural and necessary inferences flowing therefrom.

Queen Mary then stands forth in the midst of her enemies with a heart unsullied by unholy love; with a mind un-

* Miss Strickland, vol. v., 278-290.

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tarnished with any impurity; and although insulted, outraged, maltreated and misused by this monster of iniquity, she remains as she was before—a good and a virtuous woman.

LETTER VI.

No fair mind can doubt that Queen Mary never entertained any tender feelings for Bothwell; she had a great regard for him, on account of his loyalty and fidelity to the Crown and State of Scotland, but beyond this nothing she did could be construed as bordering on the domain of the affections.

II. I have now to answer the second question put in my last letter, viz., Whether the marriage of Bothwell and the Queen was valid and legal?

There are, *inter alia*, three things that will render a marriage invalid and illegal: (1) Forcible abduction of a woman by a man who intends against her will to make her his wife; (2) Absence of consent on her part; (3) Violation of the law in regard to the manner of its celebration.

1. Abduction. It is an historical fact that Queen Mary was seized near the gates of Edinburgh by Bothwell, and kept a prisoner by him until after the marriage. This is clear from an Act of the Scottish Parliament, passed in the first year of the reign of King James VI. This Act states: (1) That Bothwell, "by force and violence treasonably seized" the Queen when returning from Stirling to Edinburgh; and that he "put violent hands upon her, not permitting her to enter" the city, "but carried her away that same night to the Castle of Dunbar against her will." (2) That he "there detained her, as his prisoner, for about

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twelve days," "in firm custody and durance, by force and masterful hand of his armed friends and dependants." (3) That, upon the sixth of May, he, "still accompanied by a great number of armed men, carried her to the Castle of Edinburgh," and "there imprisoned her, and compelled her to remain until the eleventh day" of May. (4) That "on which day, still accompanied by a great number of armed men" "he carried her" to Holyrood Palace, "and so, within four days," that is, upon the fifteenth day of May, at four o'clock in the morning, he "compelled her to contract marriage with him."* No statement can be clearer than this, that from the moment of the abduction of the Queen, until after the marriage, she was the prisoner of the bridegroom who captured her in order to make her by force and violence his wife. The testimony of this Act of Parliament cannot be assailed; it was passed, not hastily, but within seven months after the event, in the presence of the very lords who were accompanying the Queen at the time, and by a Parliament unfriendly to her interests.†

The Queen in her instructions to the Bishop of Dunblane confirms the statement in this Act of Parliament. She says:

* Act. Parl., vol. iii., pp. 5–10. See Miss Strickland's *Lives of the Queens of Scotland*, vol. v., pp. 272, 289.

† Ib., p. 274.

It must not be supposed that the Act of Parliament was a dead letter, for it was acted upon. Miss Strickland says: "The statute for Bothwell's forfeiture, reciting the overt treasons he had committed, was, moreover, proclaimed to the people of Edinburgh by the heralds, first from the window of the Tolbooth, where the Parliament then sat, then from the Mercat [Market] Cross and other public places, in the ears of hundreds who might certainly have been eye-witnesses of the facts alleged." (Ib.)

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"We thought his continuance in waiting upon us, and readiness to fulfil all our commandments, had proceeded only upon the acknowledging of his duty, being our born subject, without further hid respect, which moved us to make him the better visage, thinking nothing less than the same, being an ordinary countenance to such noblemen as are found affectionate to our service, should encourage him, or give him boldness to look for any extraordinary favour at our hands. But he as well, as appeared since, making his profit of everything might serve his turn, not discovering to ourself his intent, or that he had any such purpose in head, was content to entertain our favour by his good outward behaviour and all means possible. In the mean time, he went about, by practising with the noblemen secretly, to make them his friends, and to procure their consent to the furtherance of his intents, and so far proceeded by means with them before ever the same came to our knowledge, that, our whole Estates, being here assembled in Parliament, he obtained a writing, subscribed with all their hands, wherein they not only granted their consents to our marriage with him, but also obliged themselves to set him forward thereto with their lives and goods, and to be enemies to all would disturb or impede the same, which letter he purchased [procured], giving them to understand 'that we were content therewith.' And the same being once obtained, he began afar off to discover his intention to us, and to essay if he might, by humble suit, purchase our good will; but finding our answer nothing correspondent to his desire, and casting before his eyes all doubts, that customably men use to revolve with themselves in semblable enterprises, the outwardness [untowardness] of our own mind, the persuasions which

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our friends or his unfriends might cast out for his hindrance, the change of their minds whose consent he had already obtained, with many other accidents which might occur to frustrate him of his expectation, he resolved with himself to follow up his good fortune, and all respects laid apart either to tine [lose] all in an hour, or to bring to pass that thing he had taken in hand; and so, resolving quickly to prosecute his deliberation, he suffered not the matter to sleep, but within four days thereafter, finding opportunity by reason we were past secretly towards Stirling to visit the Prince, our dearest son, in our returning he awaited us by the way, accompanied by a great force, and led us with all diligence to Dunbar. In what part we took that dealing, but specially how strange we found it of him, of whom we doubted less than of any subject we had, is easy to be imagined." *

There are three points clearly expressed in this remarkable State Paper; (1) Bothwell's conspiracy, by engaging the principal members of the nobility to aid him in his enterprise, the only excuse for the nobles being that he falsely informed them of the Queen's consent. (2) The Queen's refusal to accept him, expressed by the words, "finding our answer nothing correspondent to his desire." (3) The abduction; Bothwell lying in wait for his Sovereign, and by a great force, against her will, taking her to Dunbar Castle.

Bothwell then, after having been refused by the Queen, by means of an overwhelming armed force, seized her, and conveyed her against her will to Dunbar Castle, from thence to Edinburgh Castle, and thence to Holyrood Palace, and there compelled her to marry him.

2. The next point is, Did the Queen consent to marry

* Ib., v., pp. 259, 260.

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Bothwell? There is no doubt she did, but it was forced upon her from the circumstances in which she found herself. According to the doctrine of the Catholic Church, the consent must not only be "an outward agreement or pact expressed by words," but also an "inward consent," * that is, the mind consenting to the words spoken. Did the Queen give an "inward" as well as "an outward" consent to her marriage with Bothwell? The Queen herself thus answers the question:—"But as by a *bravade* in the beginning he had won the first point, so ceased he never, till, by persuasions and importune suit, accompanied not the less by force, he has finally driven us to end the work begun at such time, and in such form as he thought might best serve his turn, wherein we cannot dissemble that he hath used us otherways than we would have wished, or yet have deserved at his hand." † And again, in her instructions to her envoy, the Queen says: "Tell to his Holiness the grief we suffered when we were made prisoner by one of our subjects, the Earl of Bothwell, and led as prisoner with the Earl of Huntley the Chancellor, and the nobleman our Secretary, together to the Castle of Dunbar, and after to the Castle of Edinburgh, where we were detained against our will in the hands of the said Earl of Bothwell, until such time as he had procured a pretended divorce between him and the sister of the said Lord of Huntley, his wife, our near relative; and we were constrained to yield our consent, yet against our will, to him." ‡ In

* *Cat. Trent.*, part ii. Sacrat. Mat., c. v.

† Miss Strickland, vol. v., p. 282.

‡ Ib., pp. 291, 292.

With regard to the letters written by the Queen immediately after

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these two passages the Queen informs us that Bothwell importuned her to marry him by "force"—that is, by such "force" as was sufficient to excite in her mind a great fear of consequences (even worse than that of death itself) if she persisted in her refusal, and which urged her to give a consent to her marriage with him, described by herself as "constrained," that is, by compulsion, against her will.*

And the absence of consent is confirmed by her conduct. Before her marriage she did all she could to avoid the society of Bothwell. She appeared at her marriage in her "widow's weeds"—perhaps the strongest evidence she could give of her intense dislike and disgust at the whole affair.† After the marriage, in the presence of the French Ambassador, she showed her aversion to her so-called husband, and the Queen, observing the Ambassador's surprise, said to him "that he must not be surprised if he saw her sorrowful, for she could not rejoice, nor ever should again. All she desired

her marriage with Bothwell, in which she apologises for what she had done, and justifies her act on the ground that Bothwell's previous marriage had been nullified, it should be borne in mind that the Queen was under the power of this man, and could not be regarded in any sense as a free agent. The moment she was free from Bothwell we observe a great difference in style and matter. For historical evidence as to the state of her feelings, her letters, when subject to the tyranny of Bothwell, are absolutely worthless.

* Col. Meline, quoting Mr. Caird (p. 160), says "that the violence used by Bothwell to the Queen is characterised in the act for Bothwell's forfeiture, as 'Vis aut metus qui cadit in constantem virum'—such force and fear as would shake a man of firmness and resolution. It is the law phrase for such violence as would annul a deed." The substance only, not these very words, are in the Act. (*Mary Queen of Scots and her Latest Historian*, p. 191.)

† Miss Strickland, p. 290.

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was death."* Upon the following day, being alone with Bothwell in her chamber, she was heard by those in an adjoining room to "scream and threaten self-destruction." She was heard also by the captain of her guard "to call for a knife that she might stab herself," or, if she could not obtain one, "she would drown herself."† In the face of such a desperate state of things as this, it is impossible to come to any other conclusion than that her consent to the marriage was extorted from her against her will.

3. Violation of the law in regard to the manner of celebrating this marriage. It is really very questionable whether the Queen passed through any valid or legal form of marriage. Historians do not agree how she was married. The *Diurnal of Occurrents* and *Birrel's Diary*, according to Miss Strickland, "both attest the fact that the marriage was made not with the Mass, but with the preachings."‡ Murray declared "that she was married according to both sorts of the kirks, reformed and unreformed." And "Buchanan testifies, as plainly as he can, to the irregularity of his [Bishop of Orkney's—an apostate bishop, who married them] proceedings by the general observation, 'There were some public ceremonies performed after a mock kind of manner.'"§ And M. Mignet, according to Miss Strickland, asserts that "the ceremony was performed according to the Catholic ritual, and afterwards in the fashion of the Protestant

* Du Croc to the Queen-mother in France, Ib., p. 293.

† Sir James Melville's *Memoirs*, Ib., 293. It seems that Queen Mary would not live with Bothwell as his wife, for according to the local tradition at Borthwick, while in the castle, "they slept far remote from each other in different quarters of the castle." (Ib., p. 304.)

‡ Ib., p. 290. § Ib., p. 291.

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Church," but this, she says, is a mistake, founded upon a letter from Sir William Drury to Sir William Cecil, in which he says, "that this Queen was married with the Duke of Orkney [Bothwell], the witnesses being few;" and that the marriage took place "in the Chamber of Presence, with a sermon, and not with a Mass, although the day before it was judged she would have one, and thereof grew at the Bishop of Ross's some speech. The Bishop of Orkney [Protestant] with Mr. Craig were present, and had to do." * It may be concluded, then, that the Queen was married, not according to the ceremonies of the Catholic Church, but "with the preachings," but how or in what manner no evidence exists.

And I think the Queen affirms that this was the case; for, in a document discovered by Father Stevenson among the Cottonian MSS., and entitled, "Extracts from the heads of the matters which the Queen of Scotland has entrusted to the Bishop of Ross on being sent to the Pope," occurs the following very remarkable passage: "Take good heed that the Holy Father shall publicly announce that the pretended marriage contracted between me and Bothwell, without any legality but by a pretended procedure, is of no [force]. For, although there are many reasons which, as you know, make it clearly invalid in itself, yet the matter will be much clearer if his Holiness, acting as the most certain lawyer of the Church, will come forward to annul it." † Such was the opinion of the Queen herself, that her marriage being a "pretended" one, contracted by a "pretended procedure," could have no legal force. The marriage, then, was no marriage at all, the necessary and binding words that make a marriage, seem to have been wanting, and

* Ib. † Fr. Stephenson's Nau's *History of Mary Stewart*, p. clxxi.

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most probably the Queen never opened her lips from the moment she was compelled to stand by the side of Bothwell, until the conclusion of the so-called ceremony. This will account for her being married "with the preachings," and by some "ceremonies performed after a mock kind of manner."

But there is another point we must not overlook—viz., that by the law of Scotland, the Queen, being a Catholic, could not be legally married outside the Church. As I said in a former letter, the status of the Church had not as yet been legally overthrown. True, an Act of Toleration had very lately been passed by the Legislature, but that only concerned the Protestants, leaving the position of the Catholics as they were before it was passed. The canon law then, still being in force, required the Queen, in order to make a valid marriage, to be married in a Public Church before a priest, and in the presence of three or four of the faithful, which canon, I showed, formed part of the statute law of Scotland. The Queen's marriage was contracted in a manner contrary to the canons of the Church, and also to the law of the land, and this alone would render it invalid and illegal.

Upon these foregoing considerations, the following results are obtained; that the Queen's marriage was invalid and illegal: (1) Because she was a prisoner in the hands of Bothwell from her capture till after the marriage—being all this time in or under his power; (2) Because her consent was extorted from her by force and violence, under fear of personal danger by assault; (3) Because no such ceremony of marriage was performed, as could be recognised by the canons of the Catholic Church, or by the law of Scotland.

In one word, the Queen never by any free act of her own

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married Bothwell, for the ceremony was nothing else but "a pretended procedure." And it is a pleasure to assert that the Holy Father pronounced this marriage to be null and void, which he did about the year 1570.*

LETTER VII.

I have now, I think, vindicated the honour and purity of Queen Mary from the charge that she had contracted marriage with Bothwell, "whom she knew to be a married man when she took him for her husband;" and from the aspersion that in accepting him, "she knew that any so-called marriage with Bothwell would be illegal, invalid, and immoral." I showed in my first letter that the crimes imputed to her by these words were by no means obvious. No doubt at first she believed that Bothwell was a married man, for she had been present at the festivities connected with his marriage with Jean Gordon, and knowing, as she did, that a dispensation was necessary on account of the near relationship of the parties, she believed it had been obtained. But being assured by every one in authority—by her own Council, by the Spiritual and Temporal Lords, by the conduct of the Primate and Legate, by the sentence of the Catholic Tribunal, and, moreover, by the presence of the said Primate and Legate and two other Bishops at her marriage—that Bothwell's marriage with Jean Gordon having been annulled, it was open to her Majesty, if she deemed fit, to espouse him, he being at that time a bachelor.

Upon these grounds alone—and they are amply sufficient—I claim for her a verdict of "not guilty" of any act, con-

* Ib., clxvii.

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sciously or unconsciously, which was illegal or immoral. I rest my whole case upon my first letter, and declare that the Queen could come to no other conclusion than that Bothwell was free to marry any one, having on her side the opinion of both the ecclesiastical and civil Authorities of the realm, together with that, which was superior to all, of the Archbishop of St. Andrew's, who was both Legatus Natus and Legate *a latere* of the Holy See. But since I addressed you my first letter, I obtained a copy of Dr. Stuart's *Lost Chapter*, &c., in which was a copy of the text of the Dispensation permitting the marriage of Bothwell and Jean Gordon. After having myself received some instructions in the canon law relating to matrimony, it appeared to me that there were several flaws in this marriage which would render it void *ab initio.*

In my second letter I showed that this Dispensation contained a clause requiring the parties to solemnise their marriage "in the Face of the Church"—a phrase which meant, and could only mean, in a public Catholic Church, and before a Catholic priest. Upon examination it was found that the parties did not celebrate their marriage in a Catholic Church, and that the clerical personage who performed the ceremony was not a Catholic priest, but a Protestant minister. This alone, under the circumstances, would nullify the marriage.

In my third letter I demonstrated, that the Dispensation was never made use of, nor acted upon; for in order that it may have operative effect, it must be presented to the officiating Catholic priest (and it could be presented to no one else); but inasmuch as there was no such Catholic priest present, it was never presented; and this also would

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render the marriage invalid. Another point fatal to the marriage was, that Bothwell had evidently deceived the Primate and Legate; he had engaged himself to marry Jean Gordon "in the Face of holy Church," and in "words of the present time, with solemnities required thereto;" and subsequently had applied to the Legate for a dispensation, which he graciously granted, denoting that the marriage should take place "in the Face of the Church;" and then Bothwell, notwithstanding his engagement and the terms of the Dispensation, refused compliance, and celebrated his marriage, as I have said, in a Protestant kirk in the presence, not of a Catholic priest, but of a follower of John Knox. Such deception as this, and contempt of the Holy See, as well as of the Legatine Authority of the Primate, would render the Dispensation of no effect. And again I pointed out that according to the law, not only of the Church, but also of the State at that time (for the Catholic Church had not been as yet legally overthrown), it was necessary that all marriages should be celebrated in a public Catholic Church before a Catholic priest, and in the presence of three or four of the Faithful, so that on this ground the marriage was illegal as well as invalid.

It was shown also, that in all probability the Letters of Dispensation were a forgery. At that time there were persons who were famous for their skilful forgeries, which they, by diligent practice, had converted into a science; and they so well imitated the handwriting of various personages and their signatures, as to render it a matter of no small difficulty to discover what was genuine and what was false; and it is extremely likely, that in order to satisfy

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the scruples of Jean Gordon, Bothwell obtained some iniquitous and clever scribe to draw up a pseudo document purporting to be a dispensation. Certain it is that there are many suspicious circumstances about this Dispensation as to render it very doubtful whether it is genuine. First, the universal ignorance of every one concerning its existence; secondly, the silence of contemporary writers, which, considering the notoriety of the parties concerned, is very remarkable; thirdly, the evident ignorance of the Primate and Legate, who counselled the Queen to marry Bothwell, being seemingly unconscious of having himself granted it; and, lastly, the assertion of the Catholic court itself, that no dispensation had been "obtained of before" the marriage.

Under all these circumstances, there can be no rational doubt whatever, that if the Letters of Dispensation were genuine, they were rendered absolutely valueless by the conduct of the parties, who treated with contempt the canons and laws of the Church and State, by the non-observance of which, they rendered their marriage invalid and illegal. Bothwell then, never having been really married, was free to marry any one he chose; and consequently, if the Queen believed that it would have been conducive to the better government of Scotland, she had a moral, valid, and legal right to espouse this man. But it is evident that this was not her opinion; for, beyond respecting him for his hitherto loyal fidelity to the throne and realm, she had entertained not a particle of any tender feeling in his regard; and this I showed was the case in my fifth letter.

Bothwell, however, whose object was to usurp the sceptre, was determined to marry the Queen, as I indicated in a subsequent letter; for he seized her, and carried her, a captive,

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to Dunbar Castle, thence to Edinburgh Castle, and again to Holyrood Palace, where he obliged her, against her will, to stand by his side, while an apostate bishop performed some sort of ceremony, which Buchanan described as done in "a mock kind of manner," and the Queen as by a "peculiar ceremony." Such a marriage as this—she being at the time in or under his power, and her will being under constraint—could not be otherwise than invalid and illegal; and so the Holy Father declared it to be.

And now, in conclusion, permit me to draw your attention to the general character of this great and eminent Queen. It is said that the child is the father of the man; and this, *mutatis mutandis*, was pre-eminently the case with Queen Mary. From the dawn of her reason until the completion of her eighteenth year, she was regarded by all who came in contact with her, as a most excellent, modest, virtuous, and in every respect a good woman. King Henry II. of France and his Queen, visiting St. Germain, where she was living with the Royal Family, describe her as "so wise and good for a child of her tender age that they saw nothing that they could wish altered."* Later on, the Cardinal of Lorraine, her uncle, in a letter to her mother, says: "The said lady, your daughter, improves in stature, goodness, beauty, wisdom, and worth. She is so perfect and accomplished in all things, honourable, and virtuous, that the like of her is not to be seen in this realm, whether noble damsel, maiden of low degree, or in middle station; and I must tell you, Madam, that the King has taken such a liking for her that he spends much of his time in chatting with her, some-

* From Catherine de Medicis to Mary of Lorraine. Miss Strickland's *Lives of the Queens of Scotland*, vol. iii., p. 28.

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times by the hour together; and she knows as well how to entertain him with pleasant and sensible subjects of conversation, as if she were a woman of five-and-twenty."* And again, in another letter, the Cardinal remonstrating against the continued absence of her governess, says: "It displeases me much to see the Queen your daughter, at her time of life, without having a suitable person with her; although she is so discreet and virtuous that she could not conduct herself better, or more prudently, if she had a dozen *governantes*."† Once more, "I can sincerely assure you, that no one can be more charming, or more excellent, than the Queen your daughter; and she is also very religious. She governs both the King and the Queen."‡ And the English ambassador, too, Throckmorton, who bore the Queen no good-will, was constrained thus to describe her in a letter to Sir William Cecil: "For assuredly the Queen of Scotland, her Majesty's [Elizabeth's] cousin, doth carry herself, so honourably, advisedly, and discreetly, as I cannot but fear her progress."§ What a testimony is this to her early goodness, from both friendly and unfriendly critics,—"so wise and good," so full of "goodness," "wisdom," and "worth;" "carrying herself

* "Labanoff," vol. i., p. 9; Ib., p. 38.

† From Cardinal of Lorrain to Queen Regent of Scotland, *Balcarras Coll.*, in the Advocates' Library, Edinburgh. Ib., 56.

‡ Ib., p. 58. § State Paper Office MS., Ib., p. 148.

Miss Strickland remarks that "this may be certain that Throckmorton, if he could have detailed a grain of slander, or even the report of an indecorum relating to Mary, whether as Dauphiness, Queen Consort, or Queen Dowager of France, would not have withheld it from Elizabeth, to whom anything in the shape of detraction would have been far more palatable than these testimonials of the prudence and wisdom of her hated rival, with which his French dispatches abound. (Ib., p. 216.)

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so honourably, advisedly, and discreetly;" so "perfect," not only in accomplishments, but "in all things honourable and virtuous," that no lady of rank, no virtuous peasant girl, and no damsel of middle degree could be compared to this incomparable Queen. And further, "so discreet and virtuous," that she needed no lady of mature age to take charge of her. And again, not only was she so "charming," as to fascinate all who approached her, but she was in every respect "excellent," and "very religious." So beautiful was her character that she governed the King of France and his proud Queen Catharine de Medicis. But this is not all; as a child she was dutiful and obedient to her mother and those set over her; in her youth she was modest, never having been known to yield to vanity or levity.* As a wife she was humble in the midst of her greatness, and loving and obedient to her husband, Francis II.; and when he fell into his last sickness, she nursed him tenderly; and so deeply did she impress him with her faithful and watchful attendance, that he rose in his bed to bless her in the presence of all, commending her as a daughter to his mother, and as a sister to his brothers.† So overcome was his brother, Charles IX., whenever he looked at this Queen's portrait, as to exclaim: "Ah! Francis! happy brother! though your life and reign were so short, you were to be envied in this, that you were the possessor of that angel, and the object of her love."‡ And this reminds me of a circumstance which happened to the Queen not long before her marriage, when assisting at Mass on Candlemas Day: a woman in the congregation "was so dazzled with the beauty and heavenly

* Ib., pp. 215, 216. † Mathieu, *Hist. de France*, Ib., p. 135.
‡ Brantôme, Ib., 136.

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expression of Mary's countenance, and the splendour of her dress, as to fancy her into a celestial instead of a mortal assistant in the ceremonial; and flinging herself at the feet of the royal child, exclaimed, 'Are you not indeed an angel?'"*

Yes, indeed, Queen Mary was an angel, in piety, goodness, modesty, gentleness, humility, purity, and I may add, in every virtue. And this, I think, is confirmed by the following account given of her court in France. Her mother-in-law, Catharine de Medicis, who aspired to rule the young King and Queen, "found herself circumvented and forestalled in all her projects. Mary Stuart and her maternal kindred were all in all with Francis and his court, and herself a cypher. Fain would she have proceeded to hostilities with the young Queen, but there was no point in her conduct or character open to attack. Mary was as remarkable for the purity of her life and manners, and the moral influence she exercised in her household, as Catharine was the reverse; nor have her most malignant foes found it possible to connect a tale of scandal with her name during her residence in France."*

Such was the character of this great Queen up to the period when she landed at Leith in the nineteenth year of her age. The question we ought to put to ourselves is this: Are we to believe without incontestable proof that within a very few years this saintly woman became the vilest of her sex? That she who was so illustrious for her goodness and virtue should become renowned for all that is execrable and corrupt among women of ill fame? Had the good tree resulted in the issue of evil fruit? had the foundation so early laid in all goodness and modesty become the basement of a superstructure of infamy? Impossible; and yet we have been taught from our infancy, that while Elizabeth of Eng-

* Miss Benger's *Life of Mary Stuart*, Ib., 52. † Ib., p. 108.

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land excelled in every virginal purity, Mary of Scotland, on the contrary, was a slave to the very worst passions of our nature. But now, thank God, the veil has dropped from our eyes, and we are able to estimate impartially the conduct of this great heroine of antiquity. We live in a critical age, when the conduct of our great forefathers have been weighed in the balance, and those who did evil in their day, have been distinguished from those who did good. I should like to know on what grounds other than upon forged documents and false testimonies, it can be shown that Queen Mary was guilty of any crimes, great or small, against morality, from the day she landed in Scotland until her departure for England? We have a right to be informed, and until such proofs have been adduced to her discredit, no man has a right to breathe a word of slander against her fair fame.

Until such genuine proof is adduced, I beg to assert with all the force I can, that there is not a tittle of evidence to be found, that, either directly or indirectly, proves that the Queen was otherwise than good, pure, and virtuous in every phase of her short and eventful reign. It is false to assert that she ever behaved improperly with Riccio; it is false to say that she was otherwise than faithful to her husband, Lord Darnley; it is false to declare that she was privy to his murder in order that she might marry Bothwell; it is a cruel calumny to proclaim that she was guilty of an unholy love for Bothwell before Darnley's death, or that she married him, believing him to have been at the time a married man. I assert that all these are calumnies founded upon evidence so polluted in its source, as to be absolutely inadmissible, not only in a court of justice, but in a court of honour. But I can present some proofs for these assertions.

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About August 1566, the Privy Council of Scotland addressed Lord Darnley by way of remonstrance against his leaving the Queen, saying: "As for us, we are ready to submit ourselves in everything reasonable; and as for her Majesty, it was impossible that she could have given him cause for discontent, but, on the contrary, he had all the reason in the world to praise God for having given him a wife so wise and virtuous as she has shewn herself in all her actions." * Miss Strickland thus remarks on this passage: "Let it be distinctly remembered that this testimony to Mary's stainless integrity and discreet conduct as a wife, and that it was impossible that she could have given just cause of offence to her husband, is from the pen of Lethington, attested by Murray and the rest of the Privy Council, as having been verbally made in the presence of Darnley himself, who could not and did not contradict it." † The point in the above extract is that the Queen was regarded as "wise and virtuous . . . in all her actions," and that she had given him no "cause for discontent"—a valuable testimony from her worst enemies, inclusive of Murray.

In a document drawn up upon the 12th September, 1568, after Queen Mary's departure for England, and signed by the Archbishop of St. Andrew's and a number of Catholic and Protestant lay Lords, and addressed by way of "Instructions" to Queen Mary's Commissioners appointed to meet those nominated by Queen Elizabeth, occurs the following passages in point: "Yet nevertheless, in respect of her honest, just, and righteous cause, and of her good and clean conscience on all proceedings, we are assured she will not

* "Letter of the Lords of the Privy Council," Keith, p. 349; Miss Strickland's *Queens of Scot.*, vol. iv., p. 375.

† Ib.

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refuse, in presence of great princes, to declare her honourable part in all these causes invented calumniously against her Grace, provided always they be not admitted judges against her;" *i.e.*, saving her imperial dignity. With reference to the Bothwell affair, the Primate and the Lords thus declare: "And in case it be alleged that the marrying of the Earl of Bothwell is one great suspicion of her knowledge, it is answered that before ever that marriage was laid to her charge, the most part of the nobility, and principally the usurpers . . . . gave their consent to the Earl of Bothwell. And to remove all suspicions wherethrough he might be able thereto, they declared him innocent of that crime [Darnley's murder] by a public assize, and cleansed him by an enrolment thereof, and the same was ratified again in Parliament by consent of the Three Estates, and so the same can infer no presumption against her Majesty. And further, in testification of her innocency, and that her conscience does persuade her to abide all trial, she has rendered her most noble person within the realm of England, where his [Darnley's] father, mother, and principal friends make residence, having special commodity [convenience] to sue trial thereof, which, if her Grace had known herself guilty, she would not, of her own free motion, have come therein." *

* Ib., vol. vi., pp. 393-397.

"Subscribed with our hands at Dumbarton respective, the 12th September, 1568:—John, Archbishop of St. Andrew's. Eglintoun. Fleming. Glenluse. Sinquhar. Rosse. Argyle. Cassilis. Maxwell. Laurence, Lord Oliphant. David, Lord Drummond. Huntly. Crawfurd. Errol. James, Lord Ogilvy. Somerville. Yester.

"My Lord Bishop of Ross, Lord Livinstone, Lord Boyd, Lord Herries, and Lord Kilwinning, subscribed not these articles, nor the commission, because they were appointed Commissioners accepting the same." (Ib., pp. 401, 402.)

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What the Primate and the Lords assert is this (1), That the Queen was guiltless of the murder of Darnley; and (2), That "no presumption against her Majesty" can be inferred in her marriage with Bothwell, seeing that he had been acquitted by the courts of law, and by Parliament. They declare the Queen to have been possessed in all these matters "of a good and clean conscience," which they could not have asserted if it had been true that she had fallen into the lowest pit of immorality and crime. And this testimony is confirmed by Du Croc, the French Ambassador, when, in a letter to the King of France, dated June, 1567, he says that "he knew her [Queen Mary] to be a Princess of the greatest goodness." * How could she be "a Princess of the greatest goodness," having "a good and clean conscience," if she had committed the abominable crimes imputed to her?

Again, Queen Elizabeth, after she had reviewed all that had passed at the conferences at York and Westminster, declared that "there had been nothing sufficient produced nor shown by them against their Sovereign, whereby the Queen of England should conceive or take any evil opinion of the Queen [Mary], her good sister, for any thing she had yet seen." † This amounts to an acquittance, in the judgment of Elizabeth, of all the charges brought against the Queen of Scots, in regard to the murder of Darnley, and her alleged misconduct with Bothwell. And Mr. Hosack informs us that the late Mr. Markham Thorpe, who had been employed by the Master of the Rolls "to peruse and arrange the vast collection of letters and papers relating to the Queen of Scots,

* Labanoff, vol. ii., p. 112. Ib., vol. v., p. 314.

† Goodall's Append., p. 303. Labanoff, vol. ii., p. 227, &c. Ib., vol. vi., p. 310.

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contained in the Record Office;" and after having accomplished this work, expressed himself as follows:—"The evidence they contain is all important; there is abundance of insinuation, there is much assertion of guilt, but proof nowhere, as far as the compiler has been able to seek it;" * and Mr. Hosack adds, in a note, that "the testimony of this gentleman is of the highest value, as it was his duty to examine in detail every document in the collection, including what he justly calls 'the monstrous letters,' said to have been written by the Queen to Bothwell." †

Mr. Hosack well observes:—"We can well understand that a person of an amiable, constant, noble, and generous nature, might, under the impulse of some strong and sudden provocation, be induced to commit a great crime. But that is not the charge against Mary Stewart. She is accused of a murder requiring in its execution, not only the greatest deliberation, but the most consummate deceit. She is accused of feigning the tenderest affection for the husband she abhorred, that she might lure him to the snare prepared for him by his assassins. To assert that any human being, possessed by the highest moral qualities attributed to her by her modern adversaries to Mary Stewart, could have been guilty of such monstrous wickedness, is an absurdity, which refutes itself." ‡

And these testimonies in favour of the Queen are more than confirmed by the circumstance of the Supreme Pontiff granting to this estimable Princess the high privilege of keeping in her possession the most Blessed Sacrament, not only for her consolation, but in order that by com-

* Cal. State Papers relating to Scotland. Preface, 26. Hosack's *Mary and her Accusers*, vol. ii., 490.

† Ib., note. ‡ Ib., p. 492.

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municating herself, she might be so fortified in the true faith as to be ready to undergo martyrdom when summoned thereto by her enemies. It is an extremely rare privilege, only granted to those who are deprived by force of Priest and Sacraments, and are likely any moment to be martyred. And this most kind and charitable act of the Pontiff indicates as strongly as possible his good opinion of the Queen, that she was a person of intrinsic holiness and purity of life.*

I am entitled, then, to assert that Queen Mary never fell away, in the slightest degree, from the high standard of morality of her early life, that she never lost her purity, but, on the contrary, maintained her virtue unsullied to the end.

The truth is, it was because the Queen was a Catholic of a high type that it was necessary for Protestantism to destroy her character. Had Queen Mary been a Protestant, her reign would have been, in an earthly sense, a glorious one; for, with her great talents, she would have raised Scotland to a great and powerful nation; but, as an honest woman, she preferred Truth to falsehood, and Light to darkness. Hence she elected to remain a Catholic, and, whilst tolerating that which she could not resist, to bring her people back by degrees to the religion of their fathers, from which they, by false counsellors, had been alienated. If she failed to effect this true reformation, it was from no fault of her own, but because she had for her implacable foes Queen Elizabeth and Cecil her minister, who, under the guise of a base and seeming friendship, by means of a dis-

* *See* Card. de Lugo's *De Eucharistia:* Disput. xviii., Sec. 21, No. 25. I am indebted to a Right Rev. learned Prelate of the Church for this reference, which, so far as *the fact* of the Queen having the Blessed Sacrament, is relevant to my subject.

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honourable diplomacy (for her envoys were more spies than ambassadors), by wholesale bribery, by secret emissaries who corrupted the people, by false and traitorous Scotchmen, and by means also of foul, vile, and filthy reports maliciously circulated for the purpose of defaming her character, that it was impossible for her, or for any woman however highly gifted, to stand against the overwhelming current that set in against her, which obliged her to succumb to circumstances beyond her power to overcome.

We Catholics ought to be exceedingly proud of this great, illustrious and saintly lady, for she was the brilliant ornament of Catholicism in the darkest age of the world, who for nineteen years and upwards was a suffering Confessor for the Faith, and at last laying down her weary head upon the block, she died a true Martyr* for God and His Christ, for the Holy Catholic Church, and for the immortal Chair of Peter.

* There is no doubt whatever that Queen Mary was put to death because she was dangerous to the Reformation. This is evident from the following statements. (1) The Lords deputed to announce to the Queen that she was sentenced to death, informed her that "her life was incompatible with the security of the Reformed Church." (Instructions to Lord Buckhurst and Beale, in Labanoff, vol. vii.; Miss Strickland, *Queens of Scotland*, vol. vii., p. 447.) (2) Upon the eve of her execution, the Earl of Kent observed to her that "your life would be the death of our religion, and your death will be its preservation;" to which she replied, "Ah! I did not flatter myself with the thought that I was worthy of such a death, and I humbly receive it as an earnest of my acceptance into the number of God's chosen servants." (*Mort de la Royne d'Ecosse*, Jebb, vol. ii., p. 612; Tytler, *Hist. Scot.*, vol. viii., p. 393; Ib., p. 470.) This evidence would not be complete without one from a Lord Spiritual. The Protestant Archbishop Parker of Canterbury, Primate of all England, in a letter addressed to Cecil, says: "If that

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only [one] desperate person [Queen Mary] were taken away, as by justice soon it might be, the Queen's Majesty's good subjects would be in better hope, and the papists' daily expectation vanquished." ("Life of Parker," 354, quoted from Hallam's *Const. Hist. Eng.*, vol. i., p. 189.) The religion which the Queen professed, of which she was an ardent follower, was the real cause of her death, not the reasons imputed to her at her trial. These were mere pretexts, founded upon forgeries and false testimonies. It was the case of the Catholic Church in Britain versus the Protestant Church: if Mary had lived and survived Elizabeth, the former would have been restored; but if Mary died before Elizabeth, the latter would be preserved. And it must not be forgotten that the Catholic party at this time was strong enough to effect a full restoration of Catholicism, if Mary had been their (*de facto* as she certainly was their *de jure*) Queen. Mary then was a real Martyr for the Faith.

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A SUPPLEMENT.

THE following letter was addressed by me to the Editor of *The Tablet*, complaining of certain statements made in a Review upon Mr. Wilmot's *Story of the Scottish Reformation*, which I considered defamatory of the character of Queen Mary of Scotland :—

"MARY QUEEN OF SCOTS AND HER MARRIAGE WITH BOTHWELL.

"*To the Editor of 'The Tablet.'*

"Sir,—I see 'Scrutator' has published in your paper of to-day, the Rev. Father Stevenson's retractation of the words he had written concerning the conduct of Queen Mary. I agree, of course, with his comment on the Rev. Father's act and deed in this matter, but with regard to myself, I have only to say that, if it is gratifying to me, it is not so on my own account, but because Queen Mary has triumphed over all her opponents. This controversy, which has lasted for three hundred years, is now closed for ever; and any one who now or hereafter attacks her moral character, will be liable to be charged with the crime of calumny.

"I desire to call your attention to a Review, which appeared in your issue of September 1st of this year, of a work written by Mr. A. Wilmot, F.R.G.S., and published by Messrs. Burns and Oates, in which the Reviewer says, relying on the testimony of Father Stevenson in his Preface

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to the *History of Mary Stewart*, by Claude Nau:—'The history of Mary Stuart, recently edited by the Rev. Joseph Stevenson, S.J., from the original MS. of her secretary, Claude Nau, might serve to shew that many of the matters concerning the character and career of Mary of Scots, cannot be settled as easily as Mr. Wilmot's pages would lead the reader to suppose. History must be impartial and documentary, or it is of little worth. It is in vain, if not worse than vain, to predicate of Mary that "she obtained the priceless advantage of suffering martyrdom for the Catholic Faith." It would be wiser not to claim what can never be proved, and "martyrdom" is a very exalted gift to claim for one who married the man whose hands were red with the murder of her own husband.'

"These words are a bitter reflection on the character of Queen Mary, and I must in all charity courteously request your Reviewer either to substantiate what he has written, or to follow the noble example of the learned antiquarian, Father Stevenson, by retracting them. The Rev. Father, in his retractation, says: 'I admit willingly and gladly that Mr. Lindsay has in these letters [lately published in the *Tablet*] adduced facts and arguments which *compel* [the italics are mine] me to retract the statements which I had previously made in p. clv.' That Queen Mary was a martyr, and an heroic one, is evident from history, which the following extracts will prove. The Lords deputed by the English Government to announce to the Queen that she had been sentenced to death, informed her that 'her life was incompatible with the security of the Reformed Church.' (Instructions to Lord Buckhurst and Beale in Lebanoff; see Miss Strickland's *Lives of the Queen of Scotland*, vol. vii.,

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p. 447). Again, upon the eve of her execution, the Earl of Kent observed to her Majesty that 'your life would be the death of our religion, and your death will be its preservation;' to which she replied 'Ah! I did not flatter myself with the thought that I was worthy of such a death, and I humbly receive it as an earnest of my acceptance into the number of God's chosen servants.' (*Mort de la Reyne d'Ecosse*, Jebb, vol. ii., p. 612; Tytler's *History of Scotland*, vol. viii., 393; and Ib., p. 470). I put it to your Reviewer, whether he can deny, in the face of these testimonies, that Queen Mary really and truly did obtain 'the priceless advantage of suffering martyrdom for the Catholic faith?' He cannot, if he accepts his own dictum that 'history must be impartial and documentary,' deny that Queen Mary was as true a martyr as was Sir Thomas More, Cardinal Fisher, &c.—aye, as any of those who shed their blood for Christ and his Church in the early ages; for her life was a good and virtuous one, and her death, by the hand of England, a glorious one.

"COLIN LINDSAY.

"Brighton, 3rd November, 1883."

In answer to this letter the Editor inserted in *The Tablet* of the 17th November, 1883, the following "Note":—

"Our attention has been called to a Review of Mr. Wilmot's *History of the Scottish Reformation*, which appeared in *The Tablet* of the 1st of September, in which the writer expressed an opinion that 'martyrdom was a very exalted gift to claim for one who married the man whose hands were red with the murder of her own husband.' The Hon. Colin Lindsay, in an admirable series of letters published

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in our columns, and subsequently in the form of a pamphlet, succeeded, we think, in demolishing another statement which had been made elsewhere, namely, that at the time of Queen Mary's marriage to Bothwell, Bothwell was already validly married, and that the Queen knew it. This charge was immediately retracted in the most candid and honourable manner by the Rev. Father Stevenson, who had made it, and we think that we also are bound to say with regard to the observation which we ourselves hazarded, that it appears to us equally unproved that Queen Mary knew, with any certainty, that Bothwell was an accomplice in the murder of her former husband."

This retractation by the Editor of *The Tablet*, suffices so far as it concerns that journal, though, I think, it is a pity that he did not express some regret for the calumny (for if the Queen is innocent it is a calumny) therein published, and his joy that her Majesty has been acknowledged to have been innocent of all the crimes imputed to her as respects her moral conduct.

The Reviewer of Mr. Wilmot's work has not thought proper to take any notice of my letter addressed to *The Tablet*, a copy of which I have given above; nor has he considered it necessary to answer the *private* note I wrote to him on the same subject. The presumption is that he is not convinced of his error, and that consequently he adheres to his opinion, which, I hold, is detrimental to the interests of truth. I asked him to prove his assertions or to retract them, but he has not, and I presume he does not intend to do so. I shall now, for his benefit, and that of all who are interested in the furtherance of truth, proceed to examine, more in detail than I have done (for my Letters

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on the Queen, concerned chiefly her conduct as regards Bothwell), the accusations against her respecting the murder of Lord Darnley, her husband, prefacing it by an investigation of her conduct in regard to David Riccio, her French Secretary.

I. Riccio.

Riccio was an Italian, who, on account of his great proficiency in music, and the beauty of his singing, was appointed one of the choir at the Chapel Royal, and the Queen herself being extremely partial to music, invited him to her court, that she might enjoy some recreation by listening to his "matchless voice." Perceiving that he was a well-educated and accomplished man, she appointed him her Secretary for French affairs. No doubt his position enabled him to exercise considerable influence in state affairs, especially in regard to the government of the country, which gave great umbrage to the turbulent nobles of the day, and to her husband in particular. It was determined, then, to put him to death, and so get rid of him. Accordingly two "bands" or covenants were drawn up, one in Darnley's name, and the other in the names of certain conspirators, who complained, among other things, that he was urging the Queen to subvert the Reformed faith, and to restore the prestige of the Catholic Church. It was, then, chiefly on account of the religious question that Riccio was to be sacrificed.

The motives that actuated Darnley were wholly different. He was a Catholic, and in that respect was an upholder of the Catholic Religion, but he was angry with the Queen because of her non-fulfilment of a promise that she would

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give him "the crown matrimonial." Tytler observes "in the early ardour of her affection, the Queen had promised Darnley the 'crown matrimonial,' by which was meant an equal share with herself in the government; but after a few months she had the misery to discover, that her love had been thrown away upon a husband whom it was impossible for her to treat with confidence or respect:" and he describes him as "fickle, proud, and suspicious; ambitious of power, yet incapable of business, and the easy dupe of every crafty or interested companion whom he met. It became necessary, then," he continues, "for Mary to draw back from her first promise." The enemies of the Queen persuaded him "that Riccio was the sole author of those measures which had deprived him of his due share in the government." But he was also induced to believe in the infidelity of his Queen and wife, which Tytler justly describes as an "absurd delusion," and hence he became jealous of Riccio, accusing him of having "supplanted him in the affections of the Queen;" of having "dishonoured his bed;" and in his fury entered into a conspiracy for the destruction of this Italian.*

Upon this "absurd delusion" there has sprung up a tradition of the Queen's unfaithfulness to her marriage vows —the charge of impurity being a ready means on the part of her infamous foes for insuring the ruin, in the estimation of the world, of the character of the Queen.†

* Tytler's *Hist. Scot.*, vol. vii., pp. 21, 22.

† Miss Strickland, in a note, observes "The following brief statement, from the pen of Sir James Melville, sufficiently explains what the motives of some of the leading actors in the tragedy were, and that the base calumny about the Queen's affection for Riccio was a mere political

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Malicious charges of this sort are invariably very difficult to rebut, and many have fallen victims to wicked and unscrupulous persons, by whom they have been effectually, though innocent, destroyed. Direct evidence against this abominable charge against the Queen does not exist, but there is sufficient to indicate its improbability, from the known characters of Riccio and her Majesty; and that it rests upon no better foundation than upon that of her dissolute husband and his wicked companions in treason and iniquity.

1. Fortunately there is ample proofs from contemporaries concerning the character of David Riccio:—Miss Strickland gives us some valuable testimonies in his favour. Quoting from Adam Blackwood's *Fragmentary Life of Mary Stuart*, she says: "'He [Riccio] was,' says a contemporary, who knew him well, 'a man of no beauty or outward shape, for he was misshapen, evil favoured, and very black; but

fiction, got up for the purpose of defending the assassination. 'The Earl of Morton and his defenders feared a resolution . . . to bring back to the Crown divers great dispositions [grants], given out during the Queen's minority, and some benefices that were taken by noblemen, at their hands, during the civil wars, under pretext of religion.' This, and other particularities, moved them to consult together how to get the Parliament stayed, and to make a change in Court. The Earl of Morton had a crafty head, and had a cousin called George Douglas the Postulate, son natural to the Earl of Angus, who was also father to Dame Margaret Douglas, Countess of Lennox, the King's mother. The said George was continually about the King [Darnley], as his mother's brother, and put in his head such suspicion against Seigneur David [Riccio], that the King was won to give his consent over facily to the slaughter of Seigneur David, which the Lords of Morton, Ruthven, Lindsay, and others had devised, that way to be Masters of the Court and to stay the Parliament." (*Lives of Queens of Scotland*, vol. iv., p. 263.)

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for his fidelity, wisdom, prudence, virtue, and other good parts and qualities of his mind, he was richly adorned.'"* The "author of *Le Livre de la Mort Marie Stuart*, printed in 1587, declares he was '*disgracie de corps*' [in allusion to his ungainly person], and of mature years, but great sagacity."† Again: "The author of *Martire de Marie* says: 'The credit he enjoyed with his mistress was not on account of any beauty he possessed, being an old man, and ugly, swarthy, and ill favoured, but because of his great fidelity, wisdom, prudence, and many other excellent endowments.'"‡ She continues: "Connaco declares that 'he was old and deformed, but of spotless faith, and possessed of rare talents.'"§ Once more: "Louis Guryon, *conseiller de finances* to the King of France, gives the most conclusive testimony of all; for he says: 'I was well acquainted with David Riccio, from whom I received many civilities in that Court [Scotland]. He was in years, of dark hue, and very ill favoured; but of a rare prudence, and very skilful in business.'"‖

Two points are here to be noticed. First, that the character of Riccio was irreproachable, for he was remarkable for "rare prudence," "virtue," and other good qualities of mind, both in the moral and intellectual order. He was, moreover, faithful and wise, and was considered by his contemporaries as a thoroughly good man, of "spotless faith," "prudent," "wise," and "virtuous," and consequently incapable of any such crimes as his enemies and Darnley in particular have imputed to him in regard to the Queen.

* Miss Strickland's *Lives of the Queens of Scotland*, vol. iii. p. 339.
† Ib., iv., p. 264. ‡ Ib. § Ib. ‖ Ib.

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The second point to be observed is this: that Riccio was "in years," of "mature years," in fact, "an old man;" that he was a "man of no beauty," "misshapen," "very ill-favoured;" "deformed," "ugly," "swarthy," and "very black." So remarkable were his personal deformities, that Buchanan says that it "baffled the power of his tailor to conceal" them.* I think, then, that every fair man will conclude (1) that Riccio was a man of irreproachable character; and (2) that his age and external defects would, among chivalrous men, have protected the Queen from the abominable charges made against her in regard to this evidently good and virtuous man.

2. It has been alleged that on the eve of the murder of Riccio, he and the Queen were alone in a small room at Holyrood, adjoining her Majesty's bed-chamber. I do not know whether there is any authority for this assertion; there certainly is a tradition, founded upon what Tytler describes as "an absurd delusion," that such was the case, and I am under the impression that I have seen somewhere a picture or caricature, representing the Queen and Riccio as alone, sitting together in a manner not befitting her dignity. Be this as it may, I think it is necessary to show that this story is absolutely false.

Tytler informs us that on the evening of the murder, the Queen was at supper, "attended by the Countess of Aygile, the commandator of Holyrood, Beaton, master of the household, Arthur Erskine, captain of the guard, and her secretary, Riccio,"† who "was at the foot of the table."‡

* Ib., iii., p. 339, note.

† Tytler's *Hist. Scot.*, vol. vii., p. 34.

‡ Petit's *Hist. Mary Stuart*, vol. i., p. 104.

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3. With regard to the character of the Queen, I have already in my Letters given ample testimony to her goodness, modesty, and virtuous conduct;* so it may be regarded as a certainty that Queen Mary was incapable of any such aberration of conduct as was imputed to her. The following testimony of her Privy Council, which I here reproduce, some time after the murder of Riccio, confirms what I have said. Addressing a remonstrance to Darnley, they say: "... as for her Majesty, it was impossible that she could have given him cause for discontent, but, on the contrary, he had all the reason in the world to praise God for having given him a wife so wise and virtuous as she has shown herself in all her actions." To which Darnley gave no reply, which he would have done, had there been any cause of scandal.†

II. Lord Darnley.

Except from the forged documents and false testimonies prepared by the enemies of Queen Mary, there exists not a tittle of evidence, direct or indirect, implicating her Majesty in the murder of Lord Darnley, her husband. Her marriage with him had not been a happy one, Darnley being a harsh, unkind, and a cruel man, and moreover weak, silly, and treacherous, in whom it was impossible for the Queen to place any confidence. He became a tool in the hands of her enemies for accomplishing the murder of Riccio, and subsequently they determined in self-defence to sacrifice him. They were fully aware of Darnley's treacherous disposition, of

* Letter vii., pp. 55—63.

† Letter of the Lords. Miss Strickland, *Lives*, vol. iv., p. 375.

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which they soon after had proofs, for he, subsequently to the murder, revealed their plots to the Queen, and facilitated her escape from Holyrood, wherein she had discovered she was a prisoner. I will now detail how this was carried into effect.

1. Taking advantage of the conduct of Darnley towards the Queen, they suggested to her Majesty the expediency of obtaining a divorce or separation from her husband, and they offered "to unite their efforts" for this end. The Queen "professed her willingness to consent" to this arrangement, on the condition that "its effect should not prejudice the rights of her son."* The Lords then suggested "that after the divorce," Darnley "had better live in a remote part of the country," "or retire to France." Instantly the Queen took alarm, for she well knew that his life would not be safe, if such a plan should be carried out. The curse of Scotland had always been the feuds that prevailed among the nobles, in which assassination was very frequently resorted to, for the extermination of enemies. The Queen then "relenting, drew back from the proposal, [and] expressed a hope that he might return to a better mind," and she even "proposed her willingness to pass into France, and remain there till he acknowledged his faults." This did not suit the policy of the traitors; for if the Queen was in France, she would be beyond the power of their machinations, for their ultimate aim was the ruin of the Queen. Maintland, the Secretary, then made this rejoinder, "hinting darkly, that rather than subject the Queen to such an indignity as retiring from her kingdom, it would be better to substitute murder for divorce," saying, "saucy [mind ye not] that we are here of the principal of your Grace's nobility

* Tytler, *Hist. Scot.*, vol. vii., pp. 62, 63.

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and Council, that shall not find the mean well to make your Majesty quit of him, without prejudice of your son: and albeit, that my Lord of Murray here present, be little less scrupulous for a Protestant nor [than] your Grace is for a Papist, I am assured he will look through his fingers, and will behold our doings, and say nothing thereto."* These Lords had now shewn their hand, and the indignation of the Queen was effectually roused; but she knew with whom she had to deal; she was aware also that she was in their power, and so she guardedly replied as follows: "I will that ye do nothing whereto any spot may be laid to my honour or conscience, and therefore, I pray you, rather let the matter be in the estate it is, abiding till God of his goodness find remedy thereto; that ye believing to do me service may possibly turn to my hurt and displeasure." This drew an answer from Lethington to this effect: "Madam, let us guide the business among us, and your Grace shall see nothing but good, and approved by Parliament."† This proposal also the Queen rejected, and in the language of the Spanish Ambassador, she "negatived the conspiracy in every point."‡ Certainly the last alternative was open to the Queen's acceptance, for Darnley having been guilty of repeated treasons, he might have been constitutionally tried for his life and executed. But the Queen's love for her husband was far from being extinguished, and so she resolved to bear with him, like a true woman, than have him sacrificed.

* Ib., p. 63.

† Anderson's Collections, Miss Strickland's *Lives of the Queens of Scot.*, vol. v., p. 57.

‡ Ib.

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2. The Lords being baffled on all points, they next entered into a conspiracy to effect the murder of the Queen's husband. The conspirators consisted of Lethington, Huntly, Argyll, and Sir James Balfour, who signed a "band" or covenant, "declaring their resolution to cut off the King [Darnley] as a young fool and tyrant, who was the enemy to the nobility, and had conducted himself in an intolerable manner to the Queen;" and they agreed to stand by one another, and defend their "deed as a measure of state, resolved on by the chief councillors of the realm, and necessary for the preservation of their lives."*

While this conspiracy was hatching, Darnley was taken ill of a malignant disorder, and the Queen hastened to him to nurse him, and by her assiduous attention she greatly aided in promoting his convalescence. She brought him back to Edinburgh, and lodged him in a house called Kirk of Field, where he was to remain until danger of infection had passed away. The Queen remained with him day and night; but an occurrence happened which obliged her to leave him one night. A servant of hers was engaged to be married to one of her favourite women, and she had promised to give them an entertainment to celebrate the event.† The greater part of the day she spent with her husband, and in the evening she returned to the palace to fulfil her promise. The opportunity was seized by the conspirators to carry into effect their infamous design; and they contrived during the day to secrete in the Queen's chamber, under the room where Darnley slept, some gunpowder: and the parties employed by Bothwell to do this were "Hay of Tallo, Hepburn of Bolton, and other ruffians."‡ The result is well known.

* Tytler, vol. vii., p. 65. † Ib., p. 81. ‡ Ib., p. 82.

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The explosion produced a tremendous report, which roused the Queen and her household, and she sent to inquire the cause. She was soon informed of the destruction of her husband and of the house wherein he was sojourning.

3. Such is the simple narrative of the event; and we have now to enquire, (1) How did the Queen receive the terrible news? (2) What did she do to bring the culprits to justice? and (3) What is the evidence upon which the Queen has been condemned by her enemies as an accomplice?

(1.) How did her Majesty receive the report of her husband's murder? Miss Strickland says that she was "overpowered with grief and horror, and weeping bitterly," and that "the Queen withdrew instantly to her own chamber." In the morning Bothwell, one of the chief ministers of the Crown, came to speak to her Majesty. The Queen being in bed, he "spoke to her secretly under the curtain," Madame de Briante, "an elderly matron of the highest rank and most approved discretion," being present. When Bothwell left her, he said "that her Majesty was sorrowful and quiet." Upon this Miss Strickland justly remarks that "such, indeed, like the 'stillness of the streams that flow deepest,' is the character of intense grief."* "It would have been easy enough," adds Miss Strickland, "for Mary to have affected all the noisy demonstrations of audible sobs, hysterics, and passionate exclamations, if she had been of the deceitful nature imputed to her by her foes; had she been conscious of guilt, she would have seen, at once, the expediency of acting a part." Her sorrow for the death of her second husband was similar in kind with that of her first: on that occasion "she had made no such parade; she had then

* Miss Strickland's *Lives*, vol. v., p. 185.

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been sorrowful, but quiet, as a true mourner generally is, and no one questioned the reality of her woe."* Had the Queen been guilty, there would have been much excitement, a great deal of lamentation for an irreparable loss, a wringing of hands, and manifestations that make show of intense grief; but the Queen, after the first shock, was quiet, sorrowful, and overcome with anguish. That this was the fact, is testified to by one "who avowedly derived his information from Monsieur de Clernault, the French envoy then at the Court of Holyrood," the following extract will shew: "The fact being communicated to the poor Queen, one can scarcely think what distress and agony it has thrown her into—the more so, because it has happened at a time when her Majesty and the King were on the best possible terms. The said Lord of Clernault has left her in as much affliction as it was possible to be, and one of the most unhappy Queens in the world."†

There is no doubt whatever of the sincerity and the reality of Queen Mary's mourning for the loss of her husband; and it carries with it the force of conviction that she was no party, direct or indirect, to his murder.

(2.) But what measures did the Queen take to bring the culprits to justice? The first thing she did was to order a Proclamation to be made offering "a reward of £2000 [a very large sum in those days], and a pension for life, to whomsoever would reveal and bring to justice the person or persons by whom the horrible and treasonable murder had been committed."‡ Free pardon was promised, at the same

* Ib., p. 186.

† State Paper Off. MS., being the fragment of a letter intercepted by the English authorities at Berwick. Ib., p. 186.

‡ Anderson's *Collections, &c.* Ib., p. 188.

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time, "to such person, even if a partaker in the crime, provided he would be the means of bringing the authors of the same to light;" and it was added, "that the Queen's Majesty, unto whom, of all others, the case was most grievous, would rather lose life and all than that it should remain unpunished."*

The Queen herself could do no more; it was the duty of her Ministers and Council to render the Proclamation effective. An illustration occurs to me in what recently occurred in Ireland, when Lord Frederick Cavendish, the Chief Secretary for Ireland, and Mr. Burke, the Under-Secretary, were murdered in the Phœnix Park. The Queen in Council offered a reward of £10,000 to any one, and a free pardon, for the apprehension of the murderers, not being a principal actor in the tragedy. Her Majesty our gracious Queen performed her part; but what more could she have done, if her Ministers and Council had been themselves principals or accessories to those murders? Her hand would have been paralysed. And this was precisely the case with Queen Mary. The murderers of her husband were her own cabinet Ministers and Councillors, whose greatest interest it was to render the Proclamation of no effect. Hence the Queen was powerless to act in this matter with any hope of success. The Queen may have had suspicions who the murderers were, but she possessed no proofs; and even in that barbarous age, some proofs were necessary before condemning and executing criminals.

The royal Proclamation was answered by an anonymous placard found on the door of the Tolbooth, accusing "the Earl of Bothwell, Mr. James Balfour, parson of Fliske, Mr.

* Bell's *Life of Mary*. Ib.

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David Chambers, black Mr. John Spens, who was the principal deviser of the murder, and the Queen assenting thereto, through the persuasion of the Earl of Bothwell, and the witchcraft of the Lady Buccleuch."* The Queen's answer was prompt, "requiring the setter-up of the libel to come forward and avow the same, and he should have the sum promised in her first Proclamation, and further, according to his ability to make good his words before her and her Council." But no other answer was vouchsafed than by another anonymous placard, which desired as a condition, that the money should be placed in the hands of some impartial person, which, if done, he would come forward and "declare what every man did in particular, with their complices."† As a matter of course, no further notice was taken of these anonymous placards, as evidently proceeding from "some person of disordered intellect." A third anonymous placard made its appearance, which was in these words, after reciting the Queen's first proclamation: "I and the L. Bodewell, Mr. Jembes Bafourde, Mr. Davyd Chambers, and black Mr. John Spence, were the doers of the same. If this be not true, ask Mr. Gylbard Baforde."‡ It seems that those who really knew the names of the murderers of Darnley were afraid to come forward. Indeed, the Council did their utmost to prevent any solution of this horrible affair. They endeavoured to raise suspicions against the Queen, for their own protection, as appears from Chalmers, who thus writes: "No one cared for him [Darnley] during his life; and had his death occurred under any other circumstances than those which had been purposely arranged by the enemies of both

* Ib., pp. 196, 197. † Anderson's *Collections*. Ib., p. 197.
‡ Ib., p. 198.

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to throw suspicion on the Queen, it would have been regarded by the people in general as a national deliverance, and hailed with savage exultation by the parties who were banded together for his murder, even before his marriage with their Sovereign." And Randolph, the English Ambassador, "whose hand had been with them in their secret councils, had predicted 'that this new master [Darnley] would have brief days in Scotland.'"* There is no doubt, then, that the real impediment to the discovery of the culprits was not the Queen, but her Ministers and Councillors.

Murray, a few hours before the murder of Darnley, had resigned his office of Prime Minister, and he was succeeded by Bothwell, who with Huntly and Argyll, in conjunction with Lethington, became the ruling power in the Court at Holyrood Palace.† The Queen had no suspicion of Bothwell being one of the murderers of her husband. He was residing, as her Prime Minister, at the Palace when it occurred, and he was the one who reported the terrible event to her Majesty. Lennox, the father of Darnley, formally addressed several letters to the Queen on his son's murder, informing her of his suspicions of Bothwell and others, as being the murderers, and expressing that her Majesty would "take order in the matter; according to the weight of the cause."‡ To which she replied without any delay, that "for the convention of our nobility and Council, we have prevented [anticipated] the thing desired by you in your letter, and has sent for them to be at [with] us in Edinburgh this week approaching, where the persons nominate in your letter [*i.e.*, Bothwell and others] shall abide, and

* State Paper Office M.S. Ib., p. 198. † Ib., p. 207.
‡ Keith, *Hist.*, p. 372. Ib., pp. 224, 225.

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underly [undergo] such trial as by the laws of this realm is accustomed; and being found culpable in any wise of that crime and odious fact nominate on the tickets [placards], and whereof ye suspect them, we shall, even according to our former letter, see condign punishment as rigorously and extremely executed as the weight of that fact deserves."* The result was that Bothwell was tried for the murder of Darnley at the Tolbooth, and acquitted, the verdict being subsequently confirmed by the Parliament —a result obtained by the influence and power of his murderers.

It is clear then that Queen Mary did all she could to discover and bring to justice the murderers of her husband; but she being surrounded by traitors and false advisers, was powerless to carry into effect her most anxious desires.

(3.) The next point is what is the evidence upon which the Queen has been condemned as an accessory to the murder of her husband?

It appears that the earliest mention of this charge against the Queen was contained in the first anonymous placard, in

* Labanoff. Ib., p. 225. In the previous letter, to which the Queen refers, she says: ". . . and for the assembly of the nobility and Estates which ye advise us cause be convened, for a perfect trial to be had of the King our husband's cruel slaughter, it is indeed convenient that so should be; and even before the receipt of your letter we had caused proclaim a Parliament, at the which we doubt not but they all, for the most part, shall be present, where, first of all, this matter, being most dear to us, shall be handled, and nothing left undone which may further the clear trial of the odious fact; and we for our part, as we ought, and all noblemen likewise, we doubt not, shall most willingly direct all our wits and ingines [ingenuity] to this end, as experience in fine, with God's grace, shall give witnessing to the world." (Keith and Labanoff, vol. ii. Ib., pp. 209, 210.

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answer to her Majesty's Proclamation—viz., "and the Queen, assenting thereto, through the persuasion of the Earl of Bothwell, and the witchcraft of the Lady Buccleuch."* This was followed by the dissemination of anonymous papers and caricatures, by which the Queen, who had been loved by her people, was now the object of their aversion: and this aversion was increased by another placard on one of the public buildings in Edinburgh, on which was written—"Farewell, gentyl Henrye [Darnley]! but a vengeance on Mary." † The idea then, of the Queen being an accomplice, rapidly gained ground, so that the belief in her guilt became very general. After her surrender at Carberry Hill, on her way to Edinburgh, flags were exhibited before her eyes depicting herself and the slaughtered body of her husband, in a manner to convey the idea that she was his murderess. ‡

Having thus poisoned the minds of her people against her by these false libels, it was not difficult for her enemies to frame a fraudulent indictment against her before the Commissioners at York and Westminster.

4. I now proceed to prove the Queen's innocence of

* Ib., v. 197.

† Drury to Cecil, Border Correspondence. Ib., p. 206. Miss Strickland thus remarks: "Mary had been severely censured for not taking active means for discovering the authors of these anonymous denunciations. They were, in reality, directed against herself, and the tocsin notes of the approaching revolution. She was of all persons most deeply interested in unmasking the skulking incendiaries, who were thus inflaming the minds of the citizens against her; but environed by traitors, what was she to do?" (pp. 206, 207). She was abandoned by all, even by Murray, her late Prime Minister, who was the arch-traitor of all.

‡ Ib., p. 327, 328.

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the murder of Lord Darnley. The people in Scotland were urgent on the government to prosecute the murderers, but Murray the Regent found himself surrounded with enormous difficulties, for the real culprits were some of the chief nobility by whose power he had succeeded to the Regency. Shielding, as far as he could, his patrons, he began by attacking the Queen and the inferior actors in the tragedy.

(1.) An indictment called "The Book of Articles," was drawn up by Murray, and presented to the Commissioners jointly appointed by the Queens of Scotland and England, in which, *inter alia*, Queen Mary was accused of conspiring with Bothwell to murder King Henry [Darnley]. This "Book of Articles" was handed to the English Commissioners, but a copy was not given to the Queen of Scotland, nor to her Commissioners. In vain they demanded one, but it was rigorously refused. This alone was sufficient to throw grave suspicions on the honesty of Murray and the English authorities, showing a determination on their part to obtain a foregone conclusion. But such justice as this was too much even, for Elizabeth and her Council; and so the former decided and announced to Murray and his coadjutors in crime her decision in these words:—"That forasmuch as there has been nothing deduced against them as yet that might impair their honor and allegiance, so, on the other part, there had been nothing sufficient produced nor shown by them against their Sovereign, whereby, the Queen of England should conceive or take any evil opinion of the Queen, her good sister, for anything she had yet seen."* Queen Mary, then, was

* Goodall's Append., p. 303. Labanoff, vol. ii., p. 227. Chalmers' and Bell's *Life of Mary*. Ib., vol. vi., p. 310.

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acquitted of the murder by even her bitterest enemies, Queen Elizabeth and Cecil.

(2.) In Letter VII., I give an extract from "The Instructions" to Mary's Commissioners, in proof of her good moral character, to which I refer my readers; but there is another one which is equally, if not more, in point. ". . . So that it may be clearly considered, and is sufficient presumption in these respects, her Grace having the commodity[convenience] to find the means to be separate, and yet would not consent thereto, that her Grace would never have consented to his murder, having such other likely means to have quit of him by the Lords' own device; but that it may be inferred that they were the doers thereof, only as was deponed [deposed] by them who suffered death therefor, who declared at all times, the Queen our Sovereign, to be innocent thereof."* This is the testimony of the Archbishop of St. Andrew's, and of some sixteen of the chief nobility, and is conclusive of the innocence of the Queen of the murder, direct or indirect, of her husband.† I

* Instruction to Commissioners, Ib. vi., p. 396.

† There is no doubt that the Queen, if she was the wicked woman as she has been accused of being, could at any time have disposed of her husband. She might have had him tried for high treason and executed; she might have accepted the advice of her Ministers, and permitted them to take him to some remote place in Scotland, as they proposed, and left him to his fate. She might have so nursed him when ill, as to cause his death. She might have accomplished her purpose in a way which would completely exonerate her from all human responsibility, without a suspicion being raised to her discredit. The Queen, then, was by far too clever a woman to place herself at the mercy of her government, when she could have relieved herself of her husband in other and more secret ways. I think this consideration greatly disposes of the false and shameful charges brought against her.

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follow this up by giving an account of the confessions of some of the culprits, inclusive of that of Bothwell himself.

(3.) It will be remembered that Murray, for the sake of his own interests, protected the principal culprits; but as the clamour for justice was predominant, he caused the arrest of Powrie, John Hay of Tallo, Dalgleish, and others who had been employed by the conspirators to carry out the murder. These men were tried, condemned, and hanged the same day, but they made a confession, acknowledging that "the Queen was innocent of the deed;" and they further declared "that they had not read the depositions to which they had been compelled to set their hands, and desired to warn the people, in case anything hereafter should be set forth to the disadvantage of her Majesty"; "for though they had been examined by severe inflictions of torture, under which they had made full acknowledgment of their own crimes, and had then been promised their lives if they would bear witness against her Majesty, they had been preserved from the guilt of falsely accusing their good and virtuous Queen of being participant in that iniquity."* It would seem that no amount of torture would force them to confess that Queen Mary was an accomplice in the murder of her husband.

John Hepburn, a domestic servant of Bothwell, before his execution "confessed in the presence of all the people, by whom the same was heard, the innocence of the Queen his Sovereign Lady," making solemn protestations as to the truth of his confession.†

* *Innocens de la Royne d'Ecosse*, printed in 1572, and published in Jebb's *Collections*. Ib., pp. 51, 52.

† Ib., p. 51. He also said: "I declare that Moray [Murray] and Morton were the sole contrivers, movers, and counsellors of Bothwell in

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Kirkaldy of the Grange, Miss Strickland says, "lived to change" his opinion of the Queen, and "acknowledged her innocence and the falsehood of her accusers;" and he "branded Morton as the contriver, and Archibald Douglas as the executor, of the murder he had previously charged on her." *

The Countess of Lennox, also, the mother of Lord Darnley, exonerated the Queen from all blame touching the murder of her son.†

the commission of this murder, and that they have assisted in all the enterprises and conspiracies formed against Lord Darnley, and exhorted the Earl my master not to hesitate to execute boldly a deed so necessary for all the nobles of Scotland. I confess to have had knowledge of this, not only by word of mouth from my Lord, with whom they were associated in it . . . but by the letters and indentures signed by both of them, which he showed me, and I have seen and read them myself, setting forth and describing the whole plot."

* Ib., vii., p. 188.

† Queen Mary, in a letter to the Archbishop of Glasgow, thus writes in regard to the Countess of Lennox, her mother-in-law, who had just died, in which she says—". . . This good lady, thank God, was on the very best terms with me, since the last five or six years we have corresponded together, and she has acknowledged to me in letters, written by her own hand, the wrong she had done me by her unjust persecutions, excited, as she has given me to understand, by her having been badly informed, but principally by the express commands of the Queen of England, and by the persuasion of her Council, who were bent on preventing our agreement; but when she became convinced of my innocence, she desisted from persecuting me herself, and refused plainly to sanction what they might do against me under her name." The letters referred to by the Queen were no doubt seized at the time when "all her drawers, coffers, escritoires, and other secret repositories, were broken open in 1586 in quest of evidence of her implication in Babington's plot." They had not, in Miss Strickland's time, been found, and in all

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But the most important evidence in favour of the Queen's innocence is from Bothwell himself. Miss Strickland says: "The fact of Bothwell's confession previous to his removal from Malmöe is confirmed in the curious Latin MS. Biography of Mary Stuart, by a contemporary Hungarian historian, the learned Michael Entzinger, a most valuable because a thoroughly impartial authority; for the Hungarians, intent only on maintaining the honour and independence of their noble country, stood proudly apart from the intrigues, passions, and political falsehoods which have polluted the historical literature of Western Europe. Entzinger affirms 'that the wise and just Frederick II. of Denmark chose to see and confer with this notable prisoner [Bothwell] himself, and in a personal interview (which took place before Bothwell was transferred to the dungeons of Dragsholm) solemnly adjured him to declare the truth by making a free and clear avowal whether the Queen of Scotland was guilty or innocent of her husband's death.' Then Bothwell, after praying God in a loud voice, 'to be merciful to him, as he spake truly,' declared 'that the Queen was innocent of having cognisance or foreknowledge of her husband's murder.' On being desired by the King of Denmark to name the assassins, he replied,

probability were destroyed by the English government. One letter, at least, remains, which could only have been written by one who believed in the Queen's innocence. In that letter, dated November 1575, Lady Lennox commends her Majesty "to trust in God," and she informs her that "the treachery of her traitors is better known than before;" she promises to "play her part to her Majesty's content," and expresses her hope that Arabella Stuart, her grand-daughter, may sometime "serve her Highness." Such sentiments as these are inconsistent with a "belief of the Queen having murdered her husband." (Ib., vol. vii., pp. 277, 278; vol. v., pp. 372, 373.)

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'The bastard [Murray] began, Morton drew, and I wove the web of this murder.'" Bothwell was not put to death, but he was no longer recognised as a nobleman and "the consort of a Queen," but treated "as a condemned criminal."* After two years imprisonment he died (14th April, 1578), leaving a confession (or will), in which he confirmed what he had told the King, declaring the Queen's innocence in the following language: "In primis, he did take it upon his death, that the Queen never knew nor consented to the death of the King [Darnley], but he and his friends by his appointment, divers Lords consenting and subscribing thereunto; who yet was [were] not present at the deed doing." This confession was made "in the presence of divers Lords of Denmark," and also in that of the Lutheran "Bishop of Skone and four Baylies of the town." †

In the face of these testimonies, how is it possible to deny Queen Mary's innocence of the charge of murdering, or of being in any way an accomplice in the murder of her husband, Lord Darnley? Murray failed to convince Elizabeth and her ministers; Kirkaldy of the Grange and

* Ib., vii., 249, 250.

† The authenticity of this Will or Confession has been disputed, but without sufficient grounds. Several versions exist, one in the library at St. James's Palace, another in the British Museum, and another was sent to Scotland. They vary in particulars, but all agree in exonerating the Queen from all complicity in the murder of Darnley. (See Petit's *Life of Mary*, vol. i., pp. 344–349). Entzinger says "that Bothwell left written letters declaring the names and number of the conspirators, the pledges given by them, the means prescribed, the place and manner of its execution, and explaining all things concerning the murder and its authors." (Miss Strickland's *Lives*, vol. vii., p. 251.)

See Petit's *Life of Queen Mary Stuart*, vol. i., p. 348.

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Lady Lennox were convinced of her innocence; the culprits who were executed previously, in spite of torture, acknowledged the same, and so did Bothwell, once before the King of Denmark in person, and subsequently, when he was at the point of death.*

Queen Mary, then, has been proved by evidence, decisive and unassailable, to have been innocent of all the crimes that have been charged against her. The case respecting her alleged conduct with Bothwell has completely broken down; the foul slanders in connection with Riccio rest only on the "absurd delusion" of Darnley, the dupe of the Queen's inveterate enemies; and her complicity in the murder of her husband has been exhaustingly proved to

* A copy of Bothwell's Will or Confession was brought to Stirling Castle, where King James was residing; and while Tullibardine, the Comptroller of the Household, was reading it in company with another gentleman, and whispering their comments upon its contents, the young King overheard something that aroused his attention, and approaching them silently, snatched the paper out of their hands. After reading it he made no comment at the time, but being observed to be "in better spirits" than he had been for some time, Tullibardine, the Comptroller, expressed "his pleasure at seeing him so cheerful"; to which the King answered—"Have I not reason, Tullibardine, to be so, very grievous accusations and calumnies having been all along impressed upon me against her Majesty the Queen, my mother, that I have this day seen so manifest a testimony of her innocence;" and on another occasion the King remarked—"For fifteen years I was among them," in allusion to those in whose power he had been placed, "but not of them; how they treated that poor lady, my mother, is only too well known." The King had thus discovered the wicked treachery of the Queen's enemies, and he boldly proclaimed her innocence of the murder of his Father. (King James' *Address to the Convocation at Hampton Court.* Ib., pp. 252, 253.)

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be a malignant falsehood invented by Murray, Lethington, Morton, Archibald Douglas, and others for the purpose of screening themselves, who were the real murderers, from the doom they richly deserved. As far as I can see I cannot discover any moral failure in the Queen's character and conduct other than what is common to all good people, born in original sin. She is far superior in excellence to the generality of men and women who lead holy lives; and I am not at all sure that her religious practices, her self-denial, her patience under adversity, and her heroic death would not place her on a par with the martyrs of old. Queen Elizabeth and her Government, the rebellious nobles in Scotland, and the Presbyterian clergy and their disciples combined to effect her ruin, and in the mysterious Providence of God they succeeded.

I appeal to all good Catholics, especially those in Scotland and in France, to cherish the memory of this glorious Queen and Martyr, and to vindicate her honour as often as it shall assailed. Indeed, this legacy she left to the descendants of her subjects.

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